

9/22/94

IN THE MATTER OF  
THE APPLICATION OF  
JAMES R. MYRICK, ET UX  
FOR VARIANCE ON PROPERTY LOCATED  
ON THE SOUTHWEST SIDE OF GOOSE-  
NECK ROAD, 626.89 FT. NW OF GOOSE  
HARBOR ROAD (1327 GOOSENECK ROAD)  
15TH ELECTION DISTRICT  
5TH COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO: 93-221-A

\* \* \* \* \*

O P I N I O N

This case comes before the Board on appeal from a decision of the Zoning Commissioner in which the petition for variance was ultimately approved. On March 29, 1994, the Zoning Commission r denied the petition for variance. Petitioner then filed a Motion for Reconsideration and this Motion for Reconsideration was granted and the hearing was held and the variance to permit the construction of the utility shed was approved. The case was heard this day in its entirety.

The matter before the Board concerns a petition for variance to permit a utility shed as an accessory structure on a lot that contains no principal structure. The file and the record in this case indicate that People's Counsel did not participat at the Zoning Commissioner's level nor were there any protestants. People's Counsel did not participate in the reconsideration hearing nor were there any protestants. In today's hearing there are no neighborhood protestants and, in fact, entered as Petitioner's Exhibit No. 4, is a petition in favor of the variance by all the residents on Gooseneck Road.

Testifying for the petitioner was Stephen R. Broyles, Land Surv yor and D velop' r, who prepared the site plan on this lot and

commercial shell fishing business.

The Petitioners seek permission to place a utility shed on the property. The shed will be 24 x 36 ft in dimension. Mrs. Myrick testified that the shed would not be used for commercial purposes but is needed for storage. In fact, the Petitioner was agreeable to a restriction within any order approving the Petition which would limit the nature of the use of the utility storage. Further, as Mr. Broyles noted, clearly the two properties are separate and distinct parcels. The record of this case indicates that they were acquired at different times by the Petitioners and are recorded among the Land Records of Baltimore County under two separate deeds.

It is first to be noted that there will be no adverse affect upon the surrounding locale if the proposed shed is permitted with appropriate restrictions. The absence of any Protestants supports this conclusion. The use of the subject property to support the shed appears to be a reasonable and appropriate use of this property. Also, as noted by Mr. Broyles, the Chesapeake Bay Critical Area Regulations limit additional development on lot 247. Thus, he argues that the shed must be placed on the subject lot. Mr. Broyles also stated that compliance with the critical area regulations constitutes a practical difficulty on the Petitioners which justifies the variance.

Although Mr. Broyles' conclusions and the above findings seemingly justify the granting of the variance, a resolution of the case is not that easy. First, a study of exactly what is being requested by the Petitioners is appropriate. The property owners seek relief to allow a utility shed on the property as an accessory structure. Section 101 of the B.C.Z.R. defines accessory structures and accessory buildings. In both

ORDER RECEIVED FOR FILING

Date

By

**ROMADKA, GONTRUM & McLAUGHLIN, P.A.**

*814 Eastern Boulevard  
Baltimore, Maryland 21221*

TELEPHONE: (410)686-8274

FAX# 686-0118

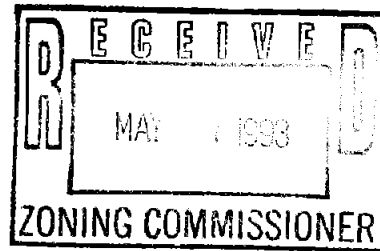
ROBERT J. ROMADKA  
JOHN B. GONTRUM  
J. MICHAEL McLAUGHLIN, JR. \*

May 4, 1993

DONALD H. SHEFFY  
ELIZABETH A. VANNI

\*ALSO ADMITTED IN D.C.

Lawrence E. Schmidt  
Zoning Commissioner  
Office of Planning and Zoning  
Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204



RE: Case No. 93-221-A

Dear Commissioner Schmidt:

I spoke on April 28, 1993 with Timothy Kotroco, Deputy Zoning Commissioner, with respect to the above-referenced case. He informed me that my letter of April 21, 1993, and accompanying enclosures, was being handled as a Motion for Reconsideration, which would extend the time for the filing of an appeal. Certainly, that was my intent in submitting the letter to you. Consequently, I am not taking the appeal on this date since that time has been extended by your reconsideration. It is my understanding that, in the event you do not wish to reconsider the decision, Mrs. Myrick would still have the ability to bring an appeal at that time. I certainly wish to thank you for your consideration.

Very truly yours,

John B. Gontrum

JBG:ams

MICROFILMED



# BROYLES, HAYES AND ASSOCIATES, INC. <sup>228</sup>

Engineers • Land Planners • Surveyors  
1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD 21221  
PHONE (410) 574-2227 • FAX (410) 574-2284

---

November 3, 1992

Ms. Cecile Myrick  
1326 Gooseneck Road  
Baltimore, Maryland 21220

RE: 1326 Gooseneck Road

Dear Ms. Myrick:

As per your request, I have thoroughly researched the possibility of constructing a utility shed at the above referenced address and my findings are as follows:

1. A utility shed of approximately 900 square feet can conform to Baltimore County Zoning Regulations.
2. The site has 4600 square feet of structures, paved driveways and walks which are impervious surfaces. The net lot area is 12,350 square feet, this calculates to 37.24% impervious surfaces. Chesapeake Bay Critical Area Regulations limit Impervious surfaces to 25% on lots of this size (see attached Baltimore County Council Bill 74-91). Any impervious surfaces over 25% at the time of enactment of these regulations are grandfathered; However no expansion of the impervious surface is allowed. Therefore a construction of a utility shed or any expansion of impervious surface will not allowed.

If you have any questions please call me.

Very Truly Yours

Steven K. Broyles P.E., P.L.S.

7/07/94 -Notice of Assignment for hearing scheduled for Thursday, August 18, 1994, at 10:00 a.m. sent to following:

John B. Gontrum, Esquire  
Mr. & Mrs. John R. Myrick  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

---

8/18/94 -Hearing concluded before Board; deliberation followed close of hearing;  
Petition for Variance to be granted with restrictions. (H.S.R.)

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: James R. Myrick, et ux -Petitioners  
Case No. 93-221-A

DATE : August 18, 1994 /at conclusion of hearing

BOARD /PANEL : William T. Hackett, Chairman (WTH)  
Michael B. Sauer (MBS)  
Robert O. Schuetz (ROS)

SECRETARY : Kathleen C. Weidenhammer  
Administrative Assistant

Those present included John B. Gontrum, Esquire, Counsel for Petitioner; Peter Max Zimmerman, People's Counsel for Baltimore County; and Carole S. Demilio, Deputy People's Counsel.

PURPOSE --to deliberate issues and matter of petition for variance presented to the Board; testimony and evidence taken this date. Opinion and Order to be issued by Board setting forth written findings of fact.

Opening statement by Chairman Hackett.

MBS: Reviewed history of Petition for Variance through appeal to Board; variance to construct a 36' x 24' utility shed on property; file and record and testimony today reflect that People's Counsel did not participate in case below; no protestants in case below; People's Counsel did not participate in second hearing below; no protestants at that second hearing; no one in neighborhood has protested; rather petition filed / no opposition but rather in favor of request; reviewed testimony received and closing argument; uncontradicted testimony: (1) lot vacant; (2) won't perk; (3) cannot put building on it; (4) cannot get building permit; (5) 40 percent wooded and 60 percent open space and property requires maintenance. Reviewed current and past use.

Has reviewed file and evidence and R.C. 20 zone; has no problem finding as matter of fact that property in past has served rec use and meets requirement of open space. And for that reason has no problem granting relief requested and allowing structure requested; believes there should be condition placed on order of Board re no commercial use or for storage of items related to crabbing business.

Petition for Variance should be granted with restrictions.

ROS: Also has read the evidence provided to Board and in general concurs with MBS on assessment of property; historical use, existence of picnic tables, need for provision of some facility to store equipment, even the storage of picnic tables and other large items; discussed size of structure; has editorial comment -a utility shed is a shed and a garage is a garage. Even in petition it is indicated that requested structure is accessory storage building /garage for open lot. But it's not contained in other pieces of evidence; recognizes need for some facility; setback, open space, etc. is expanded and can be construed as more liberal in R.C. 20.

For those reasons, concurs with MBS to grant petition. However, wishes to express desire that order include restrictions on use not to include any materials, equipment, supplies, etc., to do with commercial use across street, as indicated and confirmed by OPZ /shed not be used for storage of such materials (People's Counsel Exhibit 2).

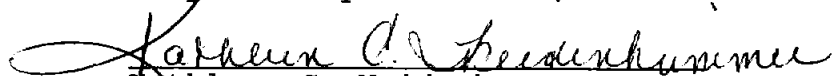
WTH: Basically concurs with other two Board members; sees this as piece of property owned by Baltimore County resident; pays taxes on property; is denied theoretically any use of property. reviewed uses and past history as did other Board members; basically believes that if proposed use impinges in any way on neighbor's use of his property, should be denied (i.e., air, noise, view, etc.); if for any reason an accessory structure does these things, should be denied. This one does not. Adjacent neighbors in both directions have indicated approval of it. No testimony that it's been used for anything other than grassy lot for cook-outs, etc. for friends and family; should permit shed and put reasonable restrictions on it so that it maintains passive recreational aspect.

Is troubled by size; does not believe it needs to be that big; but the fact that it's 24' x 36' and its adjacent to commercial operation, fears that there will be spillover from that operation. Order will specifically address this.

Closing comments by WTH: Board will grant variance as it's proposed; written Opinion and Order will be issued.

NOTE: Appellate period will run from date of written Order and not from today's date.

Respectfully submitted,

  
Kathleen C. Weidenhammer  
Administrative Assistant

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director                      DATE: March 3, 1995  
Zoning Administration &  
Development Management

FROM: Charlotte E. Radcliffe *CR*  
County Board of Appeals

SUBJECT: Closed File: Case No. 93-221-A  
JAMES R. MYRICK, ET UX  
15th E; 5th C

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

March 3, 1995

John B. Gontrum, Esquire  
ROMADKA, GONTRUM & McLAUGHLIN  
814 Eastern Boulevard  
Baltimore, MD 21221

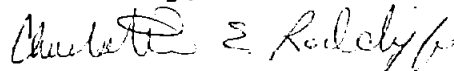
RE: Case No. 93-221-A  
JAMES R. MYRICK, ET UX

Dear Mr. Gontrum:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

  
Charlotte E. Radcliffe  
Legal Secretary

cc: Mr. & Mrs. James R. Myrick  
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

Cecile Myrick  
Stark Branch P.E.

ADDRESS

1326 Groseview 21220  
1922 Middlebrook Rd 21221



# Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1327 GOOSENECK ROAD ~ BALTO. CO. MD. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: N/A  
 plat book # ~, folio # ~, lot # ~, section # ~

LIPER 5917 ~ FOLIO 584

OWNER: CECILE V. MYRICK

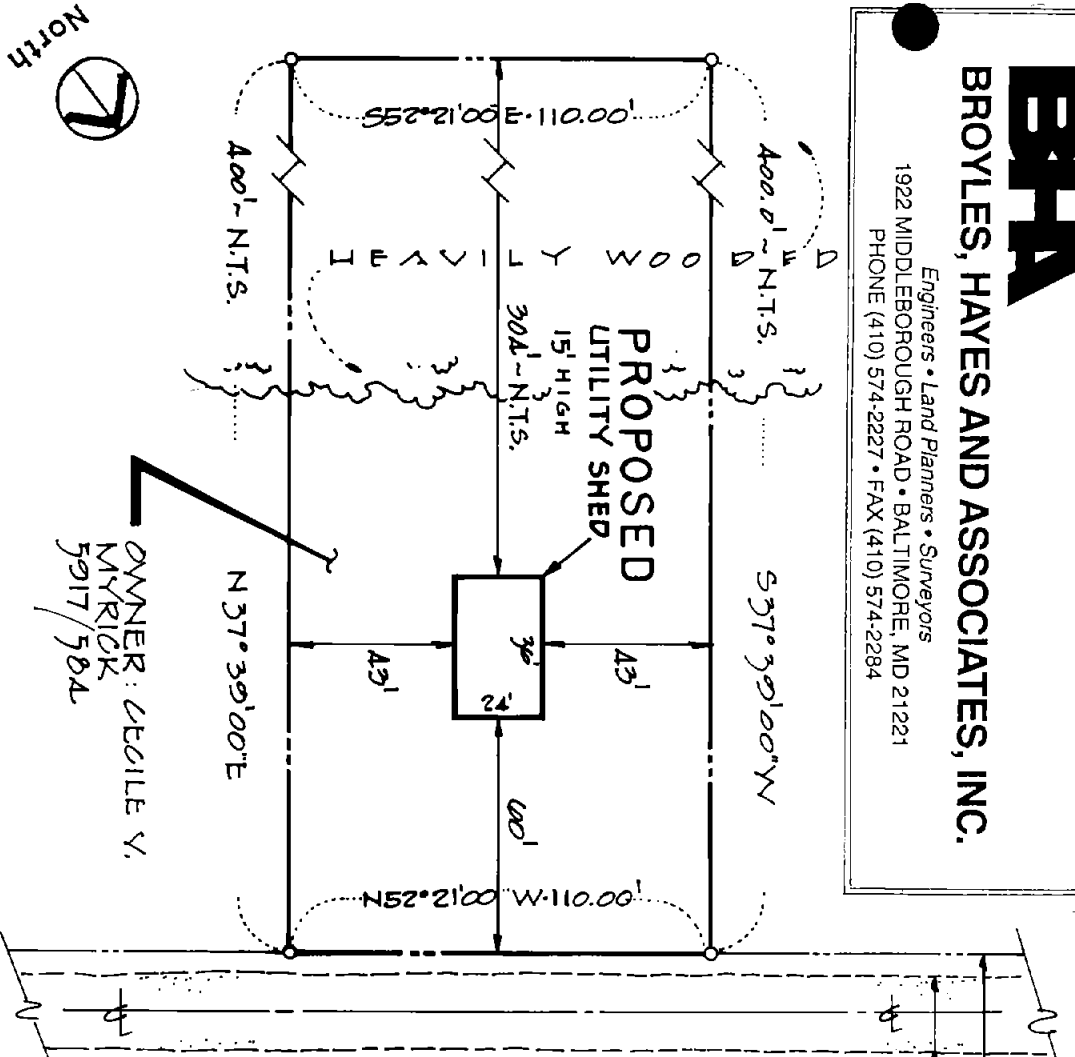
BHA

**BROYLES, HAYES AND ASSOCIATES, INC.**

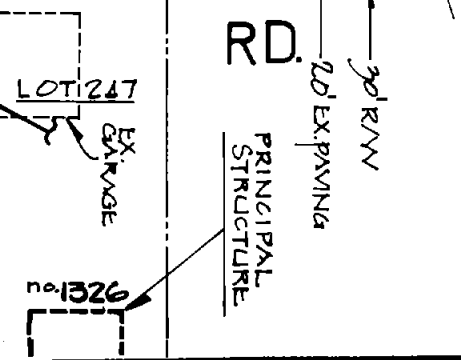
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1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD 21221

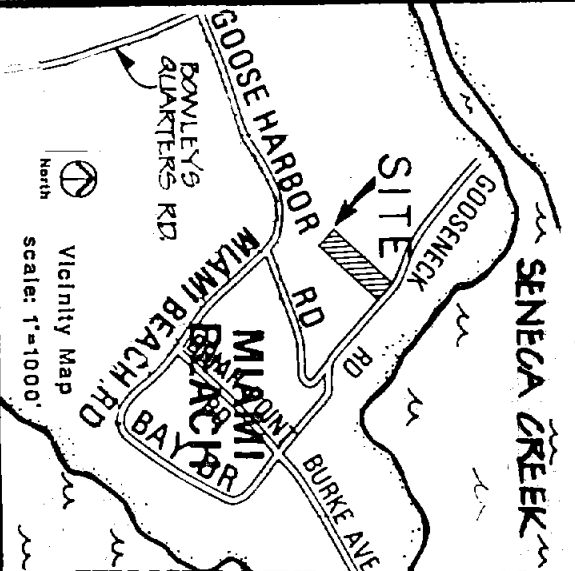
PHONE (410) 574-2227 • FAX (410) 574-2284



GOOSE NECK



**84-147 SPH**  
 OWNER: CECILE V. MYRICK  
 5171/705



## LOCATION INFORMATION

Councilmanic District: **5<sup>TH</sup>**  
 Election District: **15<sup>TH</sup>**  
 1"=200' scale map#: **NE 2-L**  
 Zoning: **RC5**  
 Lot size: **1.01** acreage **44,000** square feet

Chesapeake Bay Critical Area: ☐ public ☒ private  
 SEWER: ☐ ☒  
 WATER: ☐ ☒  
 Prior Zoning Hearings: ☐ ☒

## Zoning Office USE ONLY!

reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE#: \_\_\_\_\_

dat : DEC. 17, 1992  
 prepared by: BROYLES, HAYES & ASSO. Scale of Drawing: 1"=50'



APR 11 1984

IN THE DISTRICT COURT OF MARYLAND FOR BALTIMORE COUNTY

ARNOLD JABLON  
ZONING COMMISSIONER  
Plaintiff

vs.

JAMES R. MYRICK

and  
CECILE V. MYRICK  
Defendants

\*

\*

\*

\*

\*

CASE # 5004-83T  
5005-83T

\*\*\*\*\*

ORDER

The captioned matter having come on for trial before the District Court of Maryland, it is this 21st day of March 1986 by the District Court,  
that the Defendants, James R. Myrick and Cecile V. Myrick, be and they shall be, ordered to pay to the plaintiff, Arnold Jablon, the sum of \$1,000.00, as damages for the taking of a 0.1 acre parcel of land on the south side of the lot 21220, be and they shall be, ordered to pay to the plaintiff, Arnold Jablon, the sum of \$1,000.00, as damages for the taking of a 0.1 acre

definitions, an accessory building or structure is defined as an improvement located on the same lot as the principal use or structure served. Further, any accessory structure or building must serve a principal use and structure and must be subordinate and customarily incident to same. Thus, by definition, the proposed utility shed cannot be accessory. It is not located on the same lot as any other building. It is not subordinate and customarily incident to anything. This conclusion is inescapable.

Having made this determination, the next issue to be considered is whether this definition may be varianced. The Office of the Zoning Commissioner is established pursuant to Section 522 of the Charter of Baltimore County. The duties and authority of the Zoning Commissioner are set forth in Section 26-127 of the County Code. Therein, it is provided that the Zoning Commissioner may "Grant variances from area and height regulations, may interpret the zoning regulations and may make special exceptions . . .". (emphasis added). Further, in Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A2d 220 (1974), the Court of Appeals noted the distinction between area variances and use variances. Within that decision, the Court established a different standard in adjudging a use variance than is to be applied in considering an area variance. Clearly, based on this distinction established by the Court of Special Appeals and the clear language of the Charter, the Zoning Commissioner is restricted to considering area, height, parking and similar variances only. The variance requested in the instant case is more akin to a use variance and thus cannot be considered by this office. Thus, a Petition for Variance is the improper vehicle for considering this issue.

In the alternative, the Petitioner could submit a Petition for Special Hearing for an interpretation of the regulations as they apply to

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Date

By

3/29/93  
Mr. Goveh

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CRITICAL



# Petition for Variance

93-221-A  
to the Zoning Commissioner of Baltimore County

for the property located at

1327 Gooseneck Road Balto. 21220

which is presently zoned

RC 5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

101, 400.1

To allow an accessory structure on a lot with no principal structure.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Hardship and practical difficulty arising poor soil conditions, proximity to Chesapeake Bay CBCA regulations. See attached statement of justification.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

N/A

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

N/A

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

James R. Myrick

(Type or Print Name)

Signature

Cecile Myrick

(Type or Print Name)

Signature

1326 Gooseneck Rd.

335-4284

Address

Phone No.

Baltimore, Maryland 21220

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Cecile Myrick

Name

1326 Gooseneck Rd.

21220

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

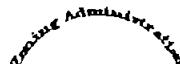
REVIEWED BY:

DATE

1-8-93



People's Counsel Exh. #1



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

March 29, 1993

Mr. and Mrs. James R. Myrick  
1326 Gooseneck Road  
Baltimore, Maryland 21220

RE: Case No. 93-221-A  
Petition for Variance  
1327 Gooseneck Road

Dear Mr. and Mrs. Myrick:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn

att.

cc: Stephen K. Broyles P.E.  
1922 Middleborough Road, 21221

*People's Counsel #3*



this factual scenario, pursuant to Section 500.7 of the B.C.Z.R. Although the issue could be properly raised in that context, the relief could still not be granted. As noted above, the definitions of accessory structure and accessory building in Section 101 of the B.C.Z.R. are clear and unambiguous. An accessory structure/building must be located on the same property as the principal use or structure. As this is not the case here, the conclusion is escapable that the proposed utility shed cannot be constructed as an accessory structure.

A review of the prior cases as they relate to the Petitioners' business is also instructive. As noted above, the Petitioners' lot across the road from the subject property is presently in use as a commercial shell fishing operation pursuant to the relief granted in case No. 84-147-XSPHA. That case wound its way through public hearings by the Zoning Commissioner, the Board of Appeals, and was eventually before the Baltimore County Circuit Court on appeal. Within its Order, the Court remanded in part and affirmed in part the Board's decision. The Court did affirm that portion of the Board's opinion as it related to the two lots. Specifically, the Board noted that "Mr. Myrick purchased one property in 1971 and the second in 1978, from different owners, indicating that these have always been separate parcels. They are so designated for tax purposes. It is the Board's opinion that Mr. Myrick owns two parcels, one a shoreline parcel and one not a shoreline parcel." Clearly, the law of this case is, therefore, that these lots are separate parcels with no common history from a use standpoint. In terms of ownership, they were not acquired together by the Petitioners, but separately.

This finding is significant due to the Zoning Commissioner's findings in case No. 88-206-SPH. In that matter, Zoning Commissioner, J. Robert

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3/29/93

By

*[Signature]*

Haines, approved an accessory structure on a separate lot from where the principal structure was located. The Petitioners therein owned 2 lots which were adjoined by a common side yard property line. One lot was improved with their dwelling and the other was vacant. Commissioner Haines granted a variance permitting the construction of a swimming pool on the vacant lot. His approval was based upon the fact that the lots had been considered a single entity for many years and were immediately adjacent to one another. The factors which Commissioner Haines relied upon in approving the relief requested in that case are not present here.

In conclusion, I am persuaded that the construction of the utility shed proposed would not be dangerous or detrimental to the surrounding community. Nonetheless, it cannot be legally permitted, at least under the scenario which the Petitioner submits. The proposed shed is clearly not an accessory structure and the Petitioners' properties are two separate and distinct lots. Although to grant the relief in this case would cause no detriment to the property and surrounding parcels, there is no legal basis to approve the variance. To fabricate such a legal basis would be to establish an improper precedent. I am unwilling to do so. Thus, for the reasons set forth above, the relief requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

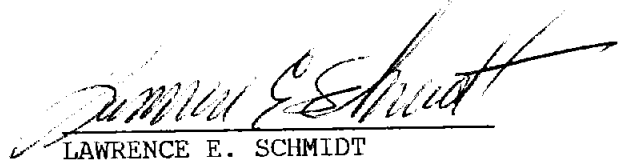
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29<sup>th</sup> day of March, 1993 that the Petition for a Zoning Variance from Sections 101 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure on a lot with no princi-

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Date

By

pal structure, in accordance with Petitioners' Exhibit No. 1., be and is hereby DENIED.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mm

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Date

3/29/93

By

M. Novak

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

March 29, 1993

Mr. and Mrs. James R. Myrick  
1326 Gooseneck Road  
Baltimore, Maryland 21220

RE: Case No. 93-221-A  
Petition for Variance  
1327 Gooseneck Road

Dear Mr. and Mrs. Myrick:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
att.

cc: Stephen K. Broyles P.E.  
1922 Middleborough Road, 21221

MICROFILMED



# Petition for Variance

93-221-A

## to the Zoning Commissioner of Baltimore County

for the property located at

1327 Gooseneck Road Balto. 21220

which is presently zoned

RC 5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 101, 400-1

To allow an accessory structure on a lot with no principal structure.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Hardship and practical difficulty arising poor soil conditions, proximity to Chesapeake Bay CBCA regulations. See attached statement of justification.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

N/A

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

N/A

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

James R. Myrick

(Type or Print Name)

Signature

Cecile Myrick

(Type or Print Name)

Signature

1326 Gooseneck Rd.

335-4284

Address

Phone No.

Baltimore, Maryland

21220

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Cecile Myrick

Name

1326 Gooseneck Rd.

21220

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

1-8-93



MICROFILMED

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### Justification for Zoning Variance

Mr. Lawrence E. Schmidt  
Office of Zoning Administration  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: 1327 Gooseneck Road

We are hereby requesting relief from Section 1A04.2.A.11.G to allow an accessory Structure on a lot with no principal structure on the grounds that a practical difficulty and unreasonable hardship exist as follows:

1. Although I have room to construct a utility shed on my subject lot, Chesapeake Bay Critical Area Regulations (CBCA) will not allow over 25% impervious surface. I have 37% existing impervious surface and any expansion of same will not be allowed by Chesapeake Bay Critical Area Regulations. Strict compliance with Chesapeake Bay Critical Area Regulations results in practical difficulty.
2. We have purchased available adjacent property and no public sewer exists or is scheduled in the near future. No principal structure would be allowed due to failing percolation test conditions and high water tables. We have researched with the possibility of building a dwelling with The Department of Environmental Protection and Resource Management (DEPRM). Our lot is un-buildable for a dwelling which is required for residential accessory structure. This is a special condition particular to the land in the Chesapeake Bay Critical Area.
3. Strict compliance not allowing the accessory structure would deny us of all reasonable use and enjoyment of the property adjacent to our dwelling due to Chesapeake Bay Critical Area Regulations. Granting this variance will not confer any special privileges that many other properties enjoy in this area.
4. This request is within the spirit and intent of Baltimore County Zoning Regulations and Chesapeake Bay Critical Area Regulations.

Thank you for your consideration in this matter.

Very truly yours,

James R. Myrick

Cecile Myrick

NOTED



228

# BROYLES, HAYES AND ASSOCIATES, INC.

Engineers • Land Planners • Surveyors  
1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD 21221  
PHONE (410) 574-2227 • FAX (410) 574-2284

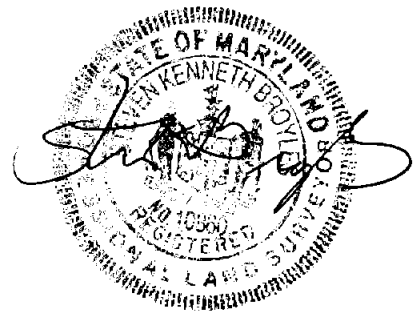
DESCRIPTION FOR ZONING VARIANCE  
FOR  
1327 GOOSENECK ROAD

BEGINNING for the same at a point on the south west side of Gooseneck Road right-of-way, 30 feet wide, at a distance of 626.89 feet north west, of the northwest corner of Goose Harbor Road and Gooseneck Road, Thence running and binding on the aforesaid Gooseneck Road right-of-way;

1. North 52° 21' 00" West 110.00 feet, thence leaving said road and running the three following courses and distances viz.,
2. South 37° 39' 00" West 400.0 feet,
3. South 52° 21' 00" East 110.00 feet,
4. North 52° 21' 00" East 400.0 feet, to the place of beginning containing 1.01 acres more or less.

BEING all of that parcel as recorded in the land records of Baltimore County in Liber 5917, folio 584.

This description was prepared for the purposes of a zoning variance this does not constitute a boundary survey and should not be used as such.





Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

93-221-A

Account: R-001-6150

Number

228

Date 1-8-93

Cecile V. Myrick

Lot - 1327 Gooseneck Rd

(21220)

Residential Variance filing fee \$50.00

CERTIFICATE OF POSTING

93-221-A

Certificate of Posting

93-221-A

Dist: 1327

Date: - 1/21/93

Posted For: Variance

Petitioner: James & Cecile Myrick

Location: SW/5 (1327) Gooseneck Rd, 62th 84' NW/ Gooseneck Rd

Sign: Facing roadway on property of Petitioner

Matthew L. Shuler

Date of Rec'd 1/22/93



Case No. 93-221-A James R. Myrick, et ux

described it and the surrounding areas in great detail. The site plan was entered as Petitioner's Exhibit No. 1.

Cecile Myrick, property owner and petitioner testified as to the condition of the lot and its general use. People's Counsel presented no witnesses, but entered 10 exhibits into the record.

By uncontradicted testimony, the Board is made aware that the lot is vacant; will not perk; no residential building permit can be obtained; it is 40% wooded and 60% open space grass, and that the property has picnic tables on it and has served recreational purposes by friends, neighbors, and family of the Petitioner. The Board will note that the Myricks own the lot across Gooseneck Road from this site, but that no further building can be permitted on this lot. The lot is zoned R.C.20 which permits open space use of the property. The Petitioner pays taxes on this property and is denied theoretically any use of the property, except to keep it mowed and maintained as a recreational use. While there is no principal building on the property nor can any be erected, the proposed utility shed can be an accessory use to the only use afforded the property that of a recreational use. If for any reason, an accessory structure is a detriment to the neighborhood, creates noise, obstructs a view, or any other reason detrimentally, the variance should be denied. This proposed use does not. All the neighbors have indicated approval of it and there was no testimony that it has been used other than anything but a grassy lot for cook-outs, picnics, etc., for friends and family. The



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

93-221-A

Account: R-001-6150

Number

Date

1708 1983

R9800013

PUBLIC HEARING FEES

QTY

PRICE

110 - ZONING VARIANCE (IRL)

1

\$50.00

TOTAL:

\$50.00

LAST NAME OF OWNER: MYRICK

Please Make Checks Payable To: Baltimore County

Cashier Validation

MICROFILMED

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

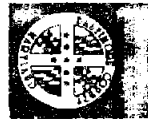
(410) 887-3353

DATE: 2-2-93

Cashier Validation

ck R

Date



Zoning Administration  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

93-221  
4/10 2/19/93

the above captioned

HEARING OR THE ORDER  
OF THE HEARING.

ing, 111 W.  
ack and make same  
proper credit and/or

Please Make Checks Payable To: Baltimore County

PAID

RECEIVED

\$70.00

Number

Account R-001-6150

Receipt



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-221-A (Item 228)

SW/S Gooseneck Road, 626,89' NW of Goose Harbor Road

1327 Gooseneck Road

15th Election District - 5th Councilmanic

Petitioner(s): James R. Myrick and Cecile Myrick

HEARING: TUESDAY, FEBRUARY 9, 1993 at 11:30 a.m in Rm. 118, Old Courthouse.

Variance to allow an accessory structure on a lot wich no principal structure.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive.

Arnold Jablon  
Director

cc: James and Cecile Myrick

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

APRIL 8, 1994

NOTICE OF REASSIGNMENT

MOTION FOR RECONSIDERATION

CASE NUMBER: 93-221-A (Item 228)

1327 Gooseneck Road

SW/S Gooseneck Road, 626.89' NW of Goose Harbor Road

15th Election District - 5th Councilmanic

Petitioner(s): James R. Myrick and Cecile Myrick

Variance to allow an accessory structure on a lot with no principal structure.

HEARING: WEDNESDAY, MAY 18, 1994 at 2:00 p.m., Rm. 118, Old Courthouse.

A handwritten signature in black ink, which appears to read "Arnold Jablon". The signature is fluid and cursive.

ARNOLD JABLON  
DIRECTOR

cc: James and Cecile Myrick  
John B. Gontrum, Esq.



LAW FIRM

*Romadka, Gontrum & McLaughlin, P.A.*

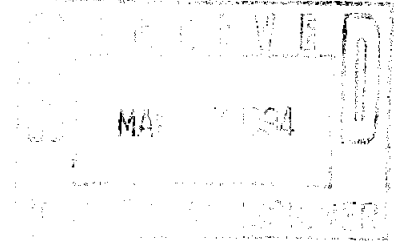
814 EASTERN BOULEVARD  
ESSEX, MARYLAND 21221  
TELEPHONE: (410) 686-8274  
FAX # 686-0118

ROBERT J. ROMADKA  
JOHN B. GONTRUM  
J. MICHAEL McLAUGHLIN, JR.\*

ELIZABETH A. VANNI

\*Also admitted in District of Columbia

May 13, 1994



Lawrence C. Schmidt  
Zoning Commissioner  
Baltimore County Government  
Office of Planning and Zoning  
Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

Re: Petition for Variance, James R. Myrick, et ux  
Case No.: 93-221-A  
RGM File No.: 94.3010

Dear Commissioner Schmidt:

Pursuant to your conversation with Belinda of my office, this will serve to confirm that you have agreed to change the time of the referenced matter from 2:00 to 3:00 on the same date.

Thank you for your kind consideration in this matter.

Very truly yours,

John B. Gontrum

JBG/bjb

cc: James R. Myrick  
Steven K. Broyles, P.A., P.L.S.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

July 7, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 93-221-A

JAMES R. MYRICK, ET UX -Petitioners  
SW/s Gooseneck Road, 626.89' NW of Goose  
Harbor Road (1326 Gooseneck Road)  
15th Election District  
5th Councilmanic District

VAR -To allow accessory structure on lot with  
no principal structure.

3/29/94 -Z.C.'s Order in which Petition for  
Variance was DENIED.

5/26/94 -Z.C.'s Memorandum Opinion and Order in  
which Motion for Reconsideration filed by  
Petitioner was GRANTED; and construction of  
proposed utility shed APPROVED.

ASSIGNED FOR:

THURSDAY, AUGUST 18, 1994 at 10:00 a.m.

cc: John B. Gontrum, Esquire                      Counsel for Petitioners  
Mr. & Mrs. John R. Myrick                      Petitioners

People's Counsel for Baltimore County                      Appellant

Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathle n C. Weidenhammer  
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.



CASE NO. 93-221-A

James R. Myrick, et ux - Petitioners

SW/s Gooseneck Rd., 626.89 ft. NW of Goose  
Harbor Road (1327 Gooseneck Road)

15th District

Appealed: 6/13/94



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

January 26, 1993

Mr. and Mrs. James R. Myrick  
1326 Gooseneck Road  
Baltimore, MD 21220

RE: Case No. 93-221-A, Item No. 228  
Petitioner: James R. Myrick, et ux  
Petition for Variance

Dear Mr. and Mrs. Myrick:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

**MICROFILMED**



Zoning Plans Advisory Committee Comments

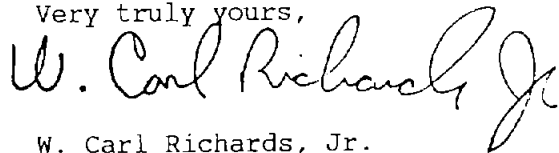
Date: January 26, 1993

Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr." The signature is written in dark ink and is positioned above the printed name and title.

W. Carl Richards, Jr.  
Zoning Coordinator

WCR:hek

Enclosures

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this  
8th day of January 1993.

A handwritten signature in cursive script, reading "Arnold Jablon", written over a horizontal line.

ARNOLD JABLON  
DIRECTOR

Received By:

A handwritten signature in cursive script, reading "W. Carl Richards Jr.", written over a horizontal line.

Chairman,  
Zoning Plans Advisory Committee

Petitioner: James R. Myrick, et ux  
Petitioner's Attorney:



Case N . 93-221-A James R. Myrick, et ux

Board will note that in the past, the Myricks have attempted to use this lot in conjunction with their commercial fishing and crabbing operation, but this use has been denied and the only use remaining on the lot is a recreational one. The Board is of the opinion that the variance to permit the utility shed should be granted. However, its use is to be restricted to the storage of lawn mowers, picnic tables, grills, etc., and is not to be used in any way as an accessory use to the commercial use across the street.

O R D E R

IT IS THEREFORE, this 22nd day of September, 1994, by the County Board of Appeals of Baltimore County,

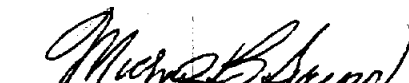
ORDERED that the petition for variance be and the same is hereby GRANTED with the following restriction:


1. No use in any way associated with the commercial fishing and crabbing business will be permitted on this site.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
William T. Hackett, Chairman

  
Michael B. Sauer

  
Robert O. Schuetz



**Maryland Department of Transportation  
State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

1-13-93

**Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204**

**Re: Baltimore County  
Item No.: # 228 (JJS)**

**Dear Ms. Winiarski:**

***This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.***

***Please contact Bob Small at 410-333-1350 if you have any questions.***

***Thank you for the opportunity to review this item.***

**Very truly yours,**

*for* **Bob Small**  
**John Contestabile, Chief  
Engineering Access Permits  
Division**

**My telephone number is 410-333-1350**

**Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717**

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

JANUARY 13, 1993

(410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JAMES R. MYRICK AND CECILE MYRICK

Location: #1327 GOOSENECK ROAD

Item No.: 228 (JJS) Zoning Agenda: JANUARY 19, 1993

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Jerry Quifer  
Planning Group  
Special Inspection Division

JP/KEK



1/19/93

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

DATE: January 26, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: 1327 Gooseneck Road

INFORMATION:

Item Number: 228

Petitioner: James R. Myrick

Property Size: 1.01 acres

Zoning: RC 5

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting a variance to allow an accessory structure on a lot with no principle structure.

The Office of Planning and Zoning recommends that the shed should not be used for the storage of materials related to commercial crabbing or fishing operations.

Prepared by: Francis M. Macey

Division Chief: Gary Keller

PK/FM:rdn

01/27/93

Date 2/1/93

Project Name	Waiver Number	Zoning Issue	Meeting Date	
Zigmas J. And Ona E. Bucevicius	224		1-19-93	NC
DED DEPRM RP STP TE				
Ronald D. And Norma J. Jewell	225			NC
DED DEPRM RP STP TE				
Steven P. and Deborah J. Benson	226			NC
DED DEPRM RP STP TE				
Deereco Limited Partnership	227			NC
DED DEPRM RP STP TE				
James R. and Cecile Myrick	228			NC
DED DEPRM RP STP TE				/
Goucher Woods Development, Inc.	229			NC
DED DEPRM RP STP TE				
Connelly Funeral Home	230			comment
DED DEPRM RP STP TE				
Orville M. Jones	231			NC
DED DEPRM RP STP TE				
Louis A. Slavotinek	232			NC
DED DEPRM RP STP TE				
Jack J. Basel	234			NC
DED DEPRM RP STP TE				
COUNT 10				
G & R No. 3, Inc.	233		1-25-93	
DED DEPRM RP STP TE				
Congregation Darchei Tzedek, Inc.	235			comment
DED DEPRM RP STP TE				



93-221-A  
2/9  
DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature \_\_\_\_\_

01/27/93

Date 2/1/93

Project Name  
File Number Waiver Number Zoning Issue Meeting Date

Zigmas J. And Ona E. Bucevicius  
224 N/C 1-19-93  
DED DEPRM RP STP TE  
=====

Ronald D. And Norma J. Jewell  
225 N/C  
DED DEPRM RP STP TE  
=====

Steven P. and Deborah J. Benson  
226 N/C  
DED DEPRM RP STP TE  
=====

Deereco Limited Partnership  
W/C  
DED DEPRM RP STP TE  
=====

James R. and Cecile Myrick  
227 N/C  
DED DEPRM RP STP TE  
=====

Goucher Woods Development, Inc.  
229 W/C  
DED DEPRM RP STP TE  
=====

Connelly Funeral Home  
230 W/C  
DED DEPRM RP STP TE  
=====

Orville M. Jones  
231 W/C  
DED DEPRM RP STP TE  
=====

Louis A. Slavotinek  
232 W/C  
DED DEPRM RP STP TE  
=====

Jack J. Basel  
234 N/C  
DED DEPRM RP STP TE  
=====

COUNT 10

G & R No. 3, Inc.  
233 N/C 1-25-93  
DED DEPRM RP STP TE  
=====

Congregation Darchei Tzedek, Inc.  
235 W/C  
DED DEPRM RP STP TE

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 20, 1994

Mr. & Mrs. James R. Myrick  
1326 Gooseneck Road  
Baltimore, MD 21220

RE: Petition for Variance  
SW/S Gooseneck Road, 626.89 ft.  
NW of Goose Neck Road  
1326 Gooseneck Road  
15th Election District  
5th Councilmanic District  
James R. Myrick, et ux-Petitioner  
Case No. 93-221-A

Dear Mr. & Mrs. Myrick:

Please be advised that an appeal of the above-referenced case was filed in this office on June 13, 1994 by Peter Max Zimmerman and Carole S. Demilio of the People's Counsel. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a light-colored background.

ARNOLD JABLON  
Director

AJ:jaw

c: People's Counsel  
John B. Gontrum, Esquire

**MICROFILMED**



Printed with Soybean Ink  
on Recycled Paper

APPEAL

Petition for Variance  
SW/S Gooseneck Road, 626.89 ft. NW of Goose Harbor Road  
(1327 Gooseneck Road)  
15th Election District - 5th Councilmanic District  
James R. Myrick, et ux-PETITIONER  
Case No. 93-221-A

Petition(s) for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner(s) and ~~Protestant(s)~~ Sign-In Sheets

Petitioner's Exhibits: 1 - Plat to Accompany Petition for Zoning  
Variance

~~Eight~~  
~~Ten~~ miscellaneous letters.

Copy of District Court Order dated March 21, 1986.

Memorandum of Petitioners

Zoning Commissioner's Order dated March 29, 1993 (Denied)

Zoning Commissioner's Memorandum Opinion and Order dated May 26, 1994  
(Granted)

Notice of Appeal received on June 13, 1994 from Peter Max Zimmerman  
and Carole S. Demilio of the People's Counsel

c: Mr. & Mrs. James R. Myrick, 1326 Gooseneck Road, Baltimore, MD  
21220  
John Gontrum, Esquire, 814 Eastern Boulevard, Baltimore, MD 21221  
People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: Patrick Keller, Director, Planning & Zoning  
Lawrence E. Schmidt, Zoning Commissioner  
W. Carl Richards, Jr., Zoning Manager  
Docket Clerk  
Arnold Jablon, Director of ZADM



COUNTY COUNCIL OF BALTIMORE COUNTY

Court House, Towson, Maryland 21204

VINCE GARDINA  
COUNCILMAN, FIFTH DISTRICT

COUNCIL OFFICE: 887-3196  
ESSEX DISTRICT OFFICE: 887-0470  
435c EASTERN BLVD  
ESSEX, MD 21221

March 14, 1994

Mr. Lawrence E. Schmidt  
Zoning Commissioner  
Suite 113, Old Courthouse  
Towson, MD 21204

Dear Larry:

I have been contacted by Mr. and Mrs. James R. Myrick regarding Case No. 93-221-A, Petition for Variance, 1327 Gooseneck Road. Given the unique circumstances of the case and the additional restrictions on the property because of environmental regulations I am requesting that you reexamine the request for the variance. As you may remember, there has been no community opposition to this petition.

I await your reply. Thank you for your attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vince", is written over a faint, larger cursive signature that appears to read "Gardina".

Vince Gardina, Councilman  
5th District

VG:me

cc: Mr. and Mrs. James Myrick



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

April 5, 1994

(410) 887-4386

John B. Gontrum, Esquire  
Romadka, Gontrum and McLaughlin, P.A.  
814 Eastern Boulevard  
Baltimore, Maryland 21221

RE: Petition for Variance, James R. Myrick, et ux  
Case No. 93-221-A

Dear Mr. Gontrum:

This is to acknowledge receipt of your letter dated March 18, 1994 regarding the above matter.

You are, indeed, correct that this matter is pending on your Motion for Reconsideration. As you may recall, I issued an opinion and Order on this case dated March 15, 1993 denying the Petition for Variance. As I pointed out in that Order, there was no evidence that the proposed construction of a utility shed on the subject property would be dangerous or detrimental to the surrounding community. However, as my Order went on to state, I did not feel that I could approve the variance in that there was no legal justification for same. That is, although the Petitioners desired end result was not objectionable, I could find no legal basis as a means to justify that end. I question whether my office has the authority to do equity in this case and bend the regulations to such an extent to approve your clients' plans. Moreover, when we had last discussed this matter, I thought we had agreed that you would submit a Memorandum setting forth your theory upon which relief could be granted. I held this file in anticipation of receiving something from you. Maybe I misunderstood our conversation.

In any event, I concur with your assessment that the case should be set in for rehearing. I do not think that additional advertising or posting of the property is necessary. However, a hearing will give you an opportunity to make whatever oral argument you believe is appropriate to justify your clients' request. Again, I see no detrimental affect in granting the permission you seek, but I believe that some rational basis must exist within the regulations to empower me to approve this request.

I shall forward this file to Gwen Stephens at ZADM for the assignment of a hearing date and you can expect to be apprised of such a date shortly.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn

cc: Vince Gardina, Councilman, 5th District

cc: James and Cecile Myrick

cc: *File*





**Baltimore County, Maryland**

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse  
400 Washington Ave.  
Towson, MD 21204

(410) 887-2188

6/14/94 3013-74  
Q  
to SW  
Ellen J. Jones

PETER MAX ZIMMERMAN  
People's Counsel

CAROLE S. DEMILIO  
Deputy People's Counsel

June 10, 1994

Arnold Jablon, Director  
Zoning Administration and Development  
Management Office  
111 W. Chesapeake Avenue  
Towson, MD 21204

Re: PETITION FOR ZONING VARIANCE  
1327 Gooseneck Road  
SW/S Gooseneck Road, 626.89 ft.  
NW of Goose Harbor Road, 15th  
Election Dist., 5th Councilmanic  
JAMES R. MYRICK et ux, Petitioners  
Case No. 93-221-A

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the order dated May 26, 1994 of the Baltimore County Zoning Commissioner in the above-entitled case.

In this connection, please forward to this office copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman  
People's Counsel for Baltimore County

Carole S. Demilio  
Deputy People's Counsel

PMZ/caf

cc: John Gontrum, Esquire  
James R. and Cecile Myrick

RECEIVED

JUN 13 1994

MICROFILMED

ZADM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

September 22, 1994

John B. Gontrum, Esquire  
ROMADKA, GONTRUM & McLAUGHLIN  
814 Eastern Boulevard  
Baltimore, MD 21221

RE: Case No. 93-221-A  
James R. Myrick, et ux

Dear Mr. Gontrum:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

A handwritten signature in cursive script, reading "Charlotte E. Radcliffe".

Charlotte E. Radcliffe  
Legal Secretary

Enclosure

cc: Mr. & Mrs. James R. Myrick  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM



Petition for Variance  
SW/S Gooseneck Road, 626.89 ft. NW of Goose Harbor Road  
(1327 Gooseneck Road)  
15th Election District - 5th Councilmanic District  
James R. Myrick, et ux-PETITIONER  
Case No. 93-221-A

RECEIVED  
COUNTY CLERK OF BALTIMORE

94 JUN 20 PM 3:12

- ✓ Petition(s) for Variance
- ✓ Description of Property
- ✓ Certificate of Posting
- ✓ Certificate of Publication
- ✓ Zoning Plans Advisory Committee Comments
- ✓ Petitioner(s) ~~and Protestant(s)~~ Sign-In Sheets
- ✓ Petitioner's Exhibits: 1 - Plat to Accompany Petition for Zoning  
Variance
- ✓ 8 (JULIE CONFIRMED 6-21-94)  
~~For~~ miscellaneous letters.
- ✓ Copy of District Court Order dated March 21, 1986.
- ✓ Memorandum of Petitioners
- ✓ Zoning Commissioner's Order dated March 29, 1993 (Denied)
- ✓ Zoning Commissioner's Memorandum Opinion and Order dated May 26, 1994  
(Granted)
- ✓ Notice of Appeal received on June 13, 1994 from Peter Max Zimmerman  
and Carole S. Demilio of the People's Counsel

c: Mr. & Mrs. James R. Myrick, 1326 Gooseneck Road, Baltimore, MD  
21220  
John Gontrum, Esquire, 814 Eastern Boulevard, Baltimore, MD 21221  
\* People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

✓ E

Request Notification: Patrick Keller, Director, Planning & Zoning  
Lawrence E. Schmidt, Zoning Commissioner  
W. Carl Richards, Jr., Zoning Manager  
Docket Clerk  
Arnold Jablon, Director of ZADM



**ROMADKA, GONTRUM & McLAUGHLIN, P.A.**

814 Eastern Boulevard  
Baltimore, Maryland 21221

TELEPHONE: (410)686-8274

FAX# 686-0118

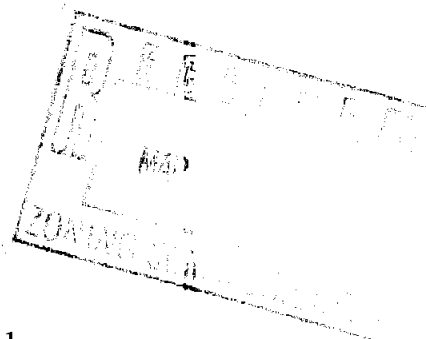
ROBERT J. ROMADKA  
JOHN B. GONTRUM  
J. MICHAEL McLAUGHLIN, JR.\*

March 18, 1994

ELIZABETH A. VANNI

\*ALSO ADMITTED IN D.C.

Lawrence E. Schmidt,  
Zoning Commissioner  
Zoning Commissioner's Office  
Courthouse, Suite 113  
400 Washington Ave.  
Towson, MD 21204



Re: Case No.: 93-221-A  
Petition for Variance - Myrick

Dear Commissioner Schmidt:

A review of my records indicates that the Myrick case is still pending before you. You may recall that last summer I wrote to you with respect to the Myrick matter based on my familiarity with the file. Cecile Myrick has asked me to correspond with you again to find out the status of this matter. Since this case has been pending for so long, it might be useful to schedule the matter for argument to further discuss the legal issues. I recognize that the legal issues in this matter are somewhat complex, but I also recognize that there is little factual dispute, and that the neighbors are not in opposition to this particular request. Perhaps, this might be a way of resolving the issue once and for all.

Please let me know if you care to schedule this matter for further hearing and consideration.

Very truly yours,

John B. Gontrum

JBG/bjb  
cc: Cecile Myrick

**ROMADKA, GONTRUM & McLAUGHLIN, P.A.**

814 Eastern Boulevard  
Baltimore, Maryland 21221

TELEPHONE: (410)686-8274

FAX# 686-0118

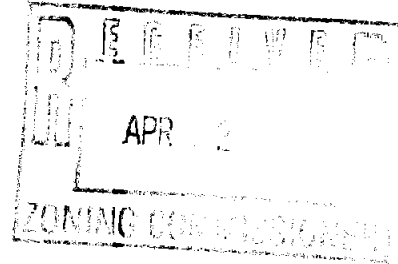
ROBERT J. ROMADKA  
JOHN B. GONTRUM  
J. MICHAEL McLAUGHLIN, JR. \*

April 8, 1994

ELIZABETH A. VANNI

\*ALSO ADMITTED IN D.C.

Lawrence E. Schmidt  
Zoning Commissioner  
Baltimore County Government  
Office of Planning and Zoning  
Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204



Re: Petition for Variance, James R. Myrick, et ux  
Case No.: 93-221-A  
RGM File No.:

Dear Mr. Schmidt:

I am in receipt of your letter dated April 5, 1994 concerning the referenced matter. I am enclosing a copy of the Memorandum which I prepared and I thought I had forwarded to you sometime ago. Please review and I will await receipt of the hearing date.

Thank you for your prompt attention and cooperation in this matter.

Very truly yours,

John B. Gontrum

JBG/bjb  
Enclosure

cc: Cecile Myrick

**ROMADKA, GONTRUM & McLAUGHLIN, P.A.**

*814 Eastern Boulevard  
Baltimore, Maryland 21221*

TELEPHONE: (410)686-8274

FAX# 686-0118

ROBERT J. ROMADKA  
JOHN B. GONTRUM  
J. MICHAEL McLAUGHLIN, JR.\*

April 21, 1993

\_\_\_\_\_  
DONALD H. SHEFFY  
ELIZABETH A. VANNI

\*ALSO ADMITTED IN D.C.

April 21, 1993

Lawrence E. Schmidt  
Zoning Commissioner  
Office of Planning and Zoning  
Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

RE: Case No. 93-221-A  
Petition for Variance

Dear Commissioner Schmidt:

Mrs. Myrick has brought to me your opinion of March 29, 1993 with respect to the above referenced case. I had represented Mr. & Mrs. Myrick with respect to zoning issues pertaining to a commercial fishing, crabbing, and shellfish operation on their property at Gooseneck Road. That case dates back over ten years. One of the issues in that case involved our intent to have the lot across from the residence of Mr. & Mrs. Myrick granted a special exception for commercial fishing and shellfishing operation so that we could store crab pots on it and remove them from the waterfront. I am enclosing a site plan with the latest revision of November, 1987 indicating a usage of the property across the street as an alternative location and storage area for crab pots. You will note that the properties do match up separated by Gooseneck Road a thirty foot wide right of way. In his Order of January 16, 1984, Arnold Jablon, then the Zoning Commissioner denied all the relief requested by the Myricks' in case 84-147-XSPHA. In denying the relief request by the Myricks' he specifically did not discuss the issue of contiguity between Lot 247 on the waterfront and the other parcel owned by the

**ROMADKA, GONTRUM & McLAUGHLIN, P.A.**

*814 Eastern Boulevard  
Baltimore, Maryland 21221*

TELEPHONE: (410)686-8274

FAX# 686-0118

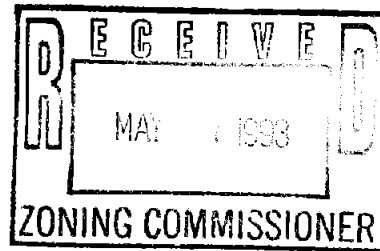
ROBERT J. ROMADKA  
JOHN B. GONTRUM  
J. MICHAEL McLAUGHLIN, JR. \*

May 4, 1993

DONALD H. SHEFFY  
ELIZABETH A. VANNI

\*ALSO ADMITTED IN D.C.

Lawrence E. Schmidt  
Zoning Commissioner  
Office of Planning and Zoning  
Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204



RE: Case No. 93-221-A

Dear Commissioner Schmidt:

I spoke on April 28, 1993 with Timothy Kotroco, Deputy Zoning Commissioner, with respect to the above-referenced case. He informed me that my letter of April 21, 1993, and accompanying enclosures, was being handled as a Motion for Reconsideration, which would extend the time for the filing of an appeal. Certainly, that was my intent in submitting the letter to you. Consequently, I am not taking the appeal on this date since that time has been extended by your reconsideration. It is my understanding that, in the event you do not wish to reconsider the decision, Mrs. Myrick would still have the ability to bring an appeal at that time. I certainly wish to thank you for your consideration.

Very truly yours,

John B. Gontrum

JBG:ams

MICROFILMED



# BROYLES, HAYES AND ASSOCIATES, INC. <sup>228</sup>

Engineers • Land Planners • Surveyors  
1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD 21221  
PHONE (410) 574-2227 • FAX (410) 574-2284

---

November 3, 1992

Ms. Cecile Myrick  
1326 Gooseneck Road  
Baltimore, Maryland 21220

RE: 1326 Gooseneck Road

Dear Ms. Myrick:

As per your request, I have thoroughly researched the possibility of constructing a utility shed at the above referenced address and my findings are as follows:

1. A utility shed of approximately 900 square feet can conform to Baltimore County Zoning Regulations.
2. The site has 4600 square feet of structures, paved driveways and walks which are impervious surfaces. The net lot area is 12,350 square feet, this calculates to 37.24% impervious surfaces. Chesapeake Bay Critical Area Regulations limit Impervious surfaces to 25% on lots of this size (see attached Baltimore County Council Bill 74-91). Any impervious surfaces over 25% at the time of enactment of these regulations are grandfathered; However no expansion of the impervious surface is allowed. Therefore a construction of a utility shed or any expansion of impervious surface will not allowed.

If you have any questions please call me.

Very Truly Yours

A handwritten signature in black ink that reads "Steve K. Broyles".

Steven K. Broyles P.E., P.L.S.

7/07/94 -Notice of Assignment for hearing scheduled for Thursday, August 18, 1994, at 10:00 a.m. sent to following:

John B. Gontrum, Esquire  
Mr. & Mrs. John R. Myrick  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

---

8/18/94 -Hearing concluded before Board; deliberation followed close of hearing;  
Petition for Variance to be granted with restrictions. (H.S.R.)

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: James R. Myrick, et ux -Petitioners  
Case No. 93-221-A

DATE : August 18, 1994 /at conclusion of hearing

BOARD /PANEL : William T. Hackett, Chairman (WTH)  
Michael B. Sauer (MBS)  
Robert O. Schuetz (ROS)

SECRETARY : Kathleen C. Weidenhammer  
Administrative Assistant

Those present included John B. Gontrum, Esquire, Counsel for Petitioner; Peter Max Zimmerman, People's Counsel for Baltimore County; and Carole S. Demilio, Deputy People's Counsel.

PURPOSE --to deliberate issues and matter of petition for variance presented to the Board; testimony and evidence taken this date. Opinion and Order to be issued by Board setting forth written findings of fact.

Opening statement by Chairman Hackett.

MBS: Reviewed history of Petition for Variance through appeal to Board; variance to construct a 36' x 24' utility shed on property; file and record and testimony today reflect that People's Counsel did not participate in case below; no protestants in case below; People's Counsel did not participate in second hearing below; no protestants at that second hearing; no one in neighborhood has protested; rather petition filed / no opposition but rather in favor of request; reviewed testimony received and closing argument; uncontradicted testimony: (1) lot vacant; (2) won't perk; (3) cannot put building on it; (4) cannot get building permit; (5) 40 percent wooded and 60 percent open space and property requires maintenance. Reviewed current and past use.

Has reviewed file and evidence and R.C. 20 zone; has no problem finding as matter of fact that property in past has served rec use and meets requirement of open space. And for that reason has no problem granting relief requested and allowing structure requested; believes there should be condition placed on order of Board re no commercial use or for storage of items related to crabbing business.

Petition for Variance should be granted with restrictions.

ROS: Also has read the evidence provided to Board and in general concurs with MBS on assessment of property; historical use, existence of picnic tables, need for provision of some facility to store equipment, even the storage of picnic tables and other large items; discussed size of structure; has editorial comment -a utility shed is a shed and a garage is a garage. Even in petition it is indicated that requested structure is accessory storage building /garage for open lot. But it's not contained in other pieces of evidence; recognizes need for some facility; setback, open space, etc. is expanded and can be construed as more liberal in R.C. 20.

For those reasons, concurs with MBS to grant petition. However, wishes to express desire that order include restrictions on use not to include any materials, equipment, supplies, etc., to do with commercial use across street, as indicated and confirmed by OPZ /shed not be used for storage of such materials (People's Counsel Exhibit 2).


WTH: Basically concurs with other two Board members; sees this as piece of property owned by Baltimore County resident; pays taxes on property; is denied theoretically any use of property. reviewed uses and past history as did other Board members; basically believes that if proposed use impinges in any way on neighbor's use of his property, should be denied (i.e., air, noise, view, etc.); if for any reason an accessory structure does these things, should be denied. This one does not. Adjacent neighbors in both directions have indicated approval of it. No testimony that it's been used for anything other than grassy lot for cook-outs, etc. for friends and family; should permit shed and put reasonable restrictions on it so that it maintains passive recreational aspect.

Is troubled by size; does not believe it needs to be that big; but the fact that it's 24' x 36' and its adjacent to commercial operation, fears that there will be spillover from that operation. Order will specifically address this.

Closing comments by WTH: Board will grant variance as it's proposed; written Opinion and Order will be issued.

NOTE: Appellate period will run from date of written Order and not from today's date.

Respectfully submitted,

  
Kathleen C. Weidenhammer  
Administrative Assistant



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

DATE: March 3, 1995

FROM: Charlotte E. Radcliffe *CR*  
County Board of Appeals

SUBJECT: Closed File: Case No. 93-221-A  
JAMES R. MYRICK, ET UX  
15th E; 5th C

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

6/20/94

IN RE:    PETITION FOR ZONING VARIANCE    \*    BEFORE THE  
         SW/S Gooseneck Road, 626.89 ft.  
         NW of Goose Harbor Road           \*    ZONING COMMISSIONER  
         1327 Gooseneck Road  
         15th Election District           \*    OF BALTIMORE COUNTY  
         5th Councilmanic District        \*  
         James R. Myrick, et ux           \*    Case No. 93-221-A  
         Petitioners                       \*   

\* \* \* \* \*

MEMORANDUM OPINION AND ORDER

This matter comes before the Zoning Commissioner on a Motion for Reconsideration from my decision dated March 29, 1993. The subject property involved is known as 1327 Gooseneck Road in the Bowleys Quarters section of Baltimore County. The property is owned by James R. Myrick and Cecile V. Myrick, his wife. The property is within close proximity to Seneca Creek.

This matter originally came before me as a Petition for Zoning Variance from Sections 101 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure on a lot with no principal structure. Specifically, the Petitioners desire to construct a 36 ft. x 24 ft. utility shed on the subject property. That property is presently unimproved, however, is located across the street from a site owned by the Petitioners which is improved and used as a commercial shell fish operation. The subject site is 1.01 acres in net area and is rectangularly shaped. It is zoned R.C.5.

Reference is hereby made to my prior Order of March 29, 1993. Therein I denied the Petition for Zoning Variance which was requested. In that opinion, I noted that there would be no adverse effect upon the surrounding locale if the variance was granted and the proposed shed was erected. The Petitioner, Mrs. Myrick, testified at the original hearing that the

ORDER RECEIVED FOR FILING  
Date 5/26/94  
By M. Dorch

MICROFILMED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

March 3, 1995

John B. Gontrum, Esquire  
ROMADKA, GONTRUM & McLAUGHLIN  
814 Eastern Boulevard  
Baltimore, MD 21221

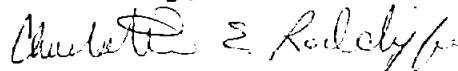
RE: Case No. 93-221-A  
JAMES R. MYRICK, ET UX

Dear Mr. Gontrum:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

  
Charlotte E. Radcliffe  
Legal Secretary

cc: Mr. & Mrs. James R. Myrick  
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

Cecile Myrick  
Stark Branch P.E.

ADDRESS

1326 Groseview 21220  
1922 Middlebrook Rd 21221



# Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1327 GOOSENECK ROAD ~ BALTO. CO. MD. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: N/A  
 plat book # ~, folio # ~, lot # ~, section # ~

LIPER 5917 ~ FOLIO 584

OWNER: CECILE V. MYRICK

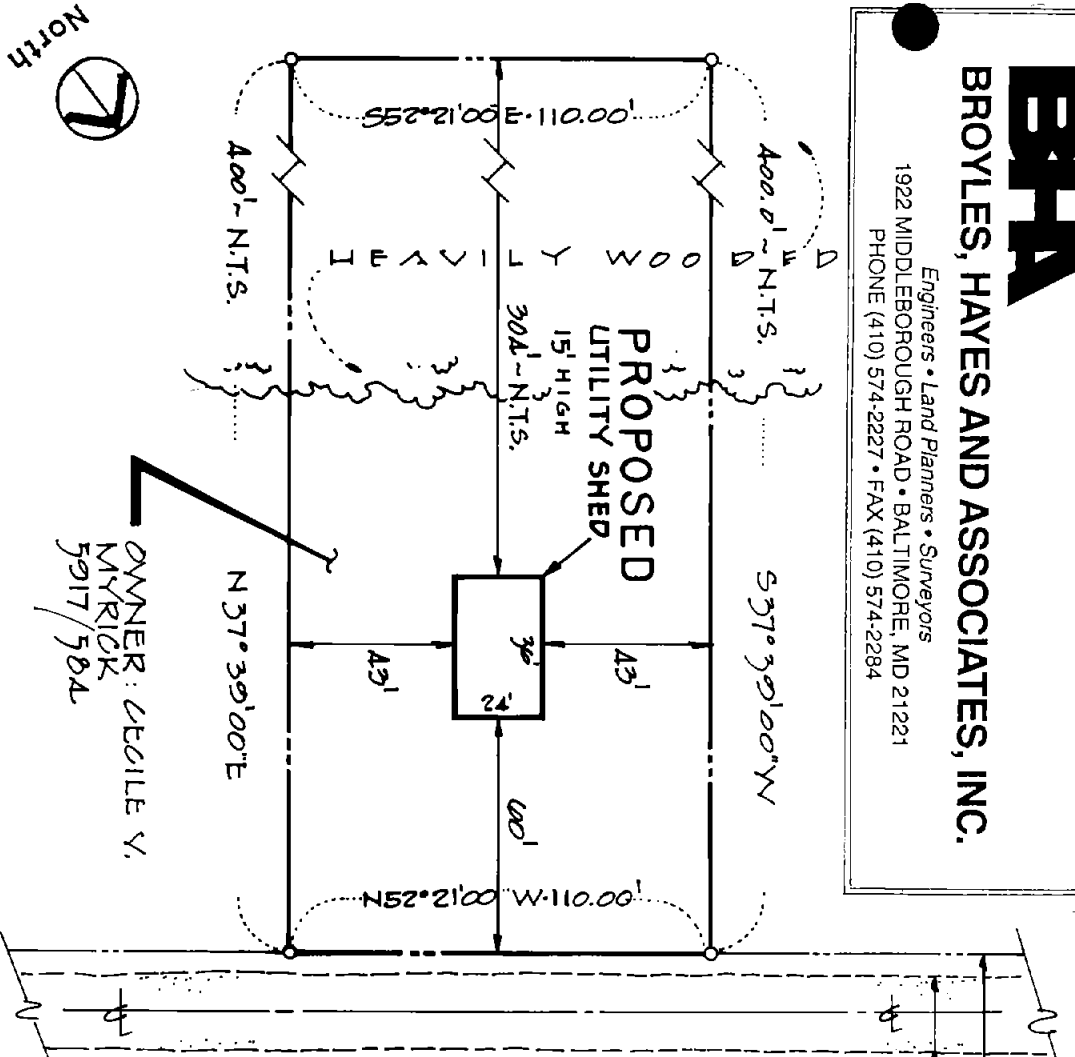
BHA

**BROYLES, HAYES AND ASSOCIATES, INC.**

Engineers • Land Planners • Surveyors

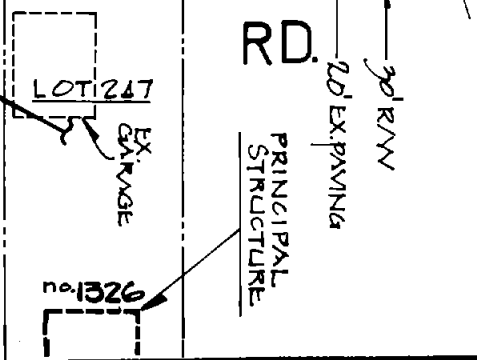
1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD 21221

PHONE (410) 574-2227 • FAX (410) 574-2284



GOOSE NECK

**84-147 SPH**  
 OWNER: CECILE V. MYRICK  
 5171/705



## LOCATION INFORMATION

Councilmanic District: **5<sup>TH</sup>**  
 Election District: **15<sup>TH</sup>**  
 1"=200' scale map#: **NE 2-L**  
 Zoning: **RC5**  
 Lot size: **1.01** acreage **44,000** square feet

Chesapeake Bay Critical Area: ☐ public ☒ private  
 Prior Zoning Hearings: ☐ SEWER: ☐ WATER: ☒ ☐ no

## Zoning Office USE ONLY!

reviewed by: ☐ ITEM #: ☐ CASE#: ☐

dat : DEC. 17, 1992  
 prepared by: BROYLES, HAYES & ASSO. Scale of Drawing: 1"=50'

THE UNIVERSITY OF CHICAGO

+

\*

\*

\*

\*

ORDER

FILE V. 11

Defendants

\*\*\*\*\*

ORDER

The captioned matter having come on for trial before the District Court of Maryland, it is this 21st day of March 1986 by the District Court,

that the Defendants, James R. Myrick and Cecilia

own a 21 acre parcel of land on the southwest corner of land 21220, be and the

21 acre

1

1



CRITICAL



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

1327 Gooseneck Road Balto. 21220

which is presently zoned

RC 5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

101, 400.1

To allow an accessory structure on a lot with no principal structure.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Hardship and practical difficulty arising poor soil conditions, proximity to Chesapeake Bay CBCA regulations. See attached statement of justification.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

N/A

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

N/A

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

James R. Myrick

(Type or Print Name)

Signature

Cecile Myrick

(Type or Print Name)

Signature

1326 Gooseneck Rd.

335-4284

Address

Phone No.

Baltimore, Maryland 21220

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Cecile Myrick

Name

1326 Gooseneck Rd.

21220

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

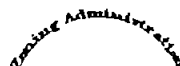
REVIEWED BY:

DATE

1-8-93



People's Counsel Exh. #1





Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

March 29, 1993

Mr. and Mrs. James R. Myrick  
1326 Gooseneck Road  
Baltimore, Maryland 21220

RE: Case No. 93-221-A  
Petition for Variance  
1327 Gooseneck Road

Dear Mr. and Mrs. Myrick:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn

att.

cc: Stephen K. Broyles P.E.  
1922 Middleborough Road, 21221

*People's Counsel #3*

9/22/94

IN THE MATTER OF  
THE APPLICATION OF  
JAMES R. MYRICK, ET UX  
FOR VARIANCE ON PROPERTY LOCATED  
ON THE SOUTHWEST SIDE OF GOOSE-  
NECK ROAD, 626.89 FT. NW OF GOOSE  
HARBOR ROAD (1327 GOOSENECK ROAD)  
15TH ELECTION DISTRICT  
5TH COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO: 93-221-A

\* \* \* \* \*

O P I N I O N

This case comes before the Board on appeal from a decision of the Zoning Commissioner in which the petition for variance was ultimately approved. On March 29, 1994, the Zoning Commission r denied the petition for variance. Petitioner then filed a Motion for Reconsideration and this Motion for Reconsideration was granted and the hearing was held and the variance to permit the construction of the utility shed was approved. The case was heard this day in its entirety.

The matter before the Board concerns a petition for variance to permit a utility shed as an accessory structure on a lot that contains no principal structure. The file and the record in this case indicate that People's Counsel did not participat at the Zoning Commissioner's level nor were there any protestants. People's Counsel did not participate in the reconsideration hearing nor were there any protestants. In today's hearing there are no neighborhood protestants and, in fact, entered as Petitioner's Exhibit No. 4, is a petition in favor of the variance by all the residents on Gooseneck Road.

Testifying for the petitioner was Stephen R. Broyles, Land Surv yor and D velop' r, who prepared the site plan on this lot and

Case No. 93-221-A James R. Myrick, et ux

described it and the surrounding areas in great detail. The site plan was entered as Petitioner's Exhibit No. 1.

Cecile Myrick, property owner and petitioner testified as to the condition of the lot and its general use. People's Counsel presented no witnesses, but entered 10 exhibits into the record.

By uncontradicted testimony, the Board is made aware that the lot is vacant; will not perk; no residential building permit can be obtained; it is 40% wooded and 60% open space grass, and that the property has picnic tables on it and has served recreational purposes by friends, neighbors, and family of the Petitioner. The Board will note that the Myricks own the lot across Gooseneck Road from this site, but that no further building can be permitted on this lot. The lot is zoned R.C.20 which permits open space use of the property. The Petitioner pays taxes on this property and is denied theoretically any use of the property, except to keep it mowed and maintained as a recreational use. While there is no principal building on the property nor can any be erected, the proposed utility shed can be an accessory use to the only use afforded the property that of a recreational use. If for any reason, an accessory structure is a detriment to the neighborhood, creates noise, obstructs a view, or any other reason detrimentally, the variance should be denied. This proposed use does not. All the neighbors have indicated approval of it and there was no testimony that it has been used other than anything but a grassy lot for cook-outs, picnics, etc., for friends and family. The

Case N . 93-221-A James R. Myrick, et ux

Board will note that in the past, the Myricks have attempted to use this lot in conjunction with their commercial fishing and crabbing operation, but this use has been denied and the only use remaining on the lot is a recreational one. The Board is of the opinion that the variance to permit the utility shed should be granted. However, its use is to be restricted to the storage of lawn mowers, picnic tables, grills, etc., and is not to be used in any way as an accessory use to the commercial use across the street.

O R D E R

IT IS THEREFORE, this 22nd day of September, 1994, by the County Board of Appeals of Baltimore County,

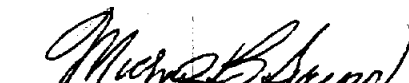
ORDERED that the petition for variance be and the same is hereby GRANTED with the following restriction:


1. No use in any way associated with the commercial fishing and crabbing business will be permitted on this site.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
William T. Hackett, Chairman

  
Michael B. Sauer

  
Robert O. Schuetz

ORDER RECEIVED FOR FILING

Date

5/26/90

By

Dr. Hovah

As noted in the original Order, it is clear that the proposed lot is a separate lot from the Myricks holdings across Gooseneck Road. Therefore, any use on the subject property cannot be accessory to activity on the other lot. However, an inquiry must be made as to the nature of the present use on the subject site. As noted above, it is unimproved. There are no dwellings, businesses or other activity on the lot. In reviewing the definition of permissible uses in an R.C.5 zone, it is noted that "Open Space, Common" is a permitted use. Moreover, "Open Space, Common" is defined in part in Section 101 of the B.C.Z.R. as "Local open space, public parks, or other park-like open space reserved for public use and enjoyment, whether privately owned or owned by the county, state or federal government or other agencies." In my view, the subject site fits within this definition and I so find same as fact. Although privately owned, the open area encompassed by the subject lot is no doubt enjoyed by the public. It provides a scenic vista in an area which is otherwise developed with dwellings and commercial establishments related to the Chesapeake Bay and its tributaries. Although not officially designated as a park, the character of this lot comports closely with the open space definition. Moreover, as is well known, open space can be both casual and active. Active open space is considered those areas which are improved with benches, playgrounds, etc. Whereas, passive open space is merely an open area which provides visual relief from developed sites nearby. In this case, although unimproved, the site is clearly used as open space, and I so find as fact.

This being the case, permissible accessory structures to that use may be erected on the site. As noted in my previous opinion, accessory structures include those buildings which are customarily incident and subordi-

UNRECORDED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

September 22, 1994

John B. Gontrum, Esquire  
ROMADKA, GONTRUM & McLAUGHLIN  
814 Eastern Boulevard  
Baltimore, MD 21221

RE: Case No. 93-221-A  
James R. Myrick, et ux

Dear Mr. Gontrum:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

A handwritten signature in cursive script, reading "Charlotte E. Radcliffe".

Charlotte E. Radcliffe  
Legal Secretary

Enclosure

cc: Mr. & Mrs. James R. Myrick  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM



6/20/94

IN RE:	PETITION FOR ZONING VARIANCE *	BEFORE THE
	SW/S Gooseneck Road, 626.89 ft.	
	NW of Goose Harbor Road *	ZONING COMMISSIONER
	1327 Gooseneck Road	
	15th Election District *	OF BALTIMORE COUNTY
	5th Councilmanic District	
		Case No. 93-221-A
	James R. Myrick, et ux	
	Petitioners *	

\* \* \* \* \*

MEMORANDUM OPINION AND ORDER

This matter comes before the Zoning Commissioner on a Motion for Reconsideration from my decision dated March 29, 1993. The subject property involved is known as 1327 Gooseneck Road in the Bowleys Quarters section of Baltimore County. The property is owned by James R. Myrick and Cecile V. Myrick, his wife. The property is within close proximity to Seneca Creek.

This matter originally came before me as a Petition for Zoning Variance from Sections 101 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure on a lot with no principal structure. Specifically, the Petitioners desire to construct a 36 ft. x 24 ft. utility shed on the subject property. That property is presently unimproved, however, is located across the street from a site owned by the Petitioners which is improved and used as a commercial shell fish operation. The subject site is 1.01 acres in net area and is rectangularly shaped. It is zoned R.C.5.

Reference is hereby made to my prior Order of March 29, 1993. Therein I denied the Petition for Zoning Variance which was requested. In that opinion, I noted that there would be no adverse effect upon the surrounding locale if the variance was granted and the proposed shed was erected. The Petitioner, Mrs. Myrick, testified at the original hearing that the

ORDER RECEIVED FOR FILING

Date

By

5/26/94  
M. Dorch

MICROFILMED

ORDER RECEIVED FOR FILING

Date

5/26/90

By

Dr. Hovah

As noted in the original Order, it is clear that the proposed lot is a separate lot from the Myricks holdings across Gooseneck Road. Therefore, any use on the subject property cannot be accessory to activity on the other lot. However, an inquiry must be made as to the nature of the present use on the subject site. As noted above, it is unimproved. There are no dwellings, businesses or other activity on the lot. In reviewing the definition of permissible uses in an R.C.5 zone, it is noted that "Open Space, Common" is a permitted use. Moreover, "Open Space, Common" is defined in part in Section 101 of the B.C.Z.R. as "Local open space, public parks, or other park-like open space reserved for public use and enjoyment, whether privately owned or owned by the county, state or federal government or other agencies." In my view, the subject site fits within this definition and I so find same as fact. Although privately owned, the open area encompassed by the subject lot is no doubt enjoyed by the public. It provides a scenic vista in an area which is otherwise developed with dwellings and commercial establishments related to the Chesapeake Bay and its tributaries. Although not officially designated as a park, the character of this lot comports closely with the open space definition. Moreover, as is well known, open space can be both casual and active. Active open space is considered those areas which are improved with benches, playgrounds, etc. Whereas, passive open space is merely an open area which provides visual relief from developed sites nearby. In this case, although unimproved, the site is clearly used as open space, and I so find as fact.

This being the case, permissible accessory structures to that use may be erected on the site. As noted in my previous opinion, accessory structures include those buildings which are customarily incident and subordi-

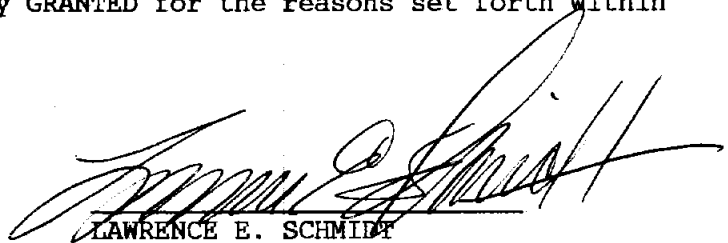
UNRECORDED



nate to the lot on which they are located and contribute to the comfort and convenience of the use of that property. In this case, Mrs. Myrick indicated that the proposed shed would house lawn mowers and other equipment necessary to maintain the subject property. Thus, the necessary storage of ~~same~~ is accessory to the use of this property as open space. Therefore, the subject shed can be constructed as a permitted accessory structure to the use of this property as open space. The shed and lot cannot be used to support the commercial activity on the Myricks' lot across the street.

For the foregoing reasons, I shall grant the Motion for Reconsideration and approve the construction of the proposed shed on the site.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26<sup>th</sup> day of May, 1994 that the Motion for Reconsideration filed herein be and is hereby GRANTED for the reasons set forth within this Memorandum Opinion.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING  
Dat 5/26/94  
By M. Hovak

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

May 24, 1994

John B. Gontrum, Esquire  
814 Eastern Boulevard  
Baltimore, Maryland 21221

RE: Motion for Reconsideration  
Case No. 93-221-A  
Location: 1327 Gooseneck Road  
James R. Myrick, et ux, Petitioners

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above captioned cases. The Memorandum Opinion and Order has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
encl.

**MICROFILMED**

3/29/93

IN RE: PETITION FOR ZONING VARIANCE  
SW/S Gooseneck Rd., 626.89 ft.  
NW of Goose Harbor Road  
1327 Gooseneck Road  
15th Election District  
5th Councilmanic District

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 93-221-A

James R. Myrick, et ux  
Petitioners

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for that property known as 1327 Gooseneck Road in the Bowleys Quarters section of Baltimore County. The Petitioners/property owners herein request a variance from Sections 101 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure on a lot with no principal structure. The relief requested is more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

The Petitioner/property owner, Cecile Myrick, appeared and testified. Also appearing in support of the Petition was Stephen K. Broyles, a professional engineer who prepared the site plan. There were no Protestants present.

The facts presented in support of the Petition are simple and not in dispute. The Petitioners own the subject property, known as 1327 Gooseneck Road. This unimproved lot is 1.01 acres in area and is a rectangularly shaped property. It is situated across Gooseneck Road from another parcel owned by the Petitioners, known as lot No. 247. Lot No. 247 is improved by a structure and a garage, and is the site of the Petitioners'

ORDER RECEIVED FOR FILING

Date

By

3/29/93  
Mr. G. H. H. H.

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commercial shell fishing business.

The Petitioners seek permission to place a utility shed on the property. The shed will be 24 x 36 ft in dimension. Mrs. Myrick testified that the shed would not be used for commercial purposes but is needed for storage. In fact, the Petitioner was agreeable to a restriction within any order approving the Petition which would limit the nature of the use of the utility storage. Further, as Mr. Broyles noted, clearly the two properties are separate and distinct parcels. The record of this case indicates that they were acquired at different times by the Petitioners and are recorded among the Land Records of Baltimore County under two separate deeds.

It is first to be noted that there will be no adverse affect upon the surrounding locale if the proposed shed is permitted with appropriate restrictions. The absence of any Protestants supports this conclusion. The use of the subject property to support the shed appears to be a reasonable and appropriate use of this property. Also, as noted by Mr. Broyles, the Chesapeake Bay Critical Area Regulations limit additional development on lot 247. Thus, he argues that the shed must be placed on the subject lot. Mr. Broyles also stated that compliance with the critical area regulations constitutes a practical difficulty on the Petitioners which justifies the variance.

Although Mr. Broyles' conclusions and the above findings seemingly justify the granting of the variance, a resolution of the case is not that easy. First, a study of exactly what is being requested by the Petitioners is appropriate. The property owners seek relief to allow a utility shed on the property as an accessory structure. Section 101 of the B.C.Z.R. defines accessory structures and accessory buildings. In both

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By

definitions, an accessory building or structure is defined as an improvement located on the same lot as the principal use or structure served. Further, any accessory structure or building must serve a principal use and structure and must be subordinate and customarily incident to same. Thus, by definition, the proposed utility shed cannot be accessory. It is not located on the same lot as any other building. It is not subordinate and customarily incident to anything. This conclusion is inescapable.

Having made this determination, the next issue to be considered is whether this definition may be varianced. The Office of the Zoning Commissioner is established pursuant to Section 522 of the Charter of Baltimore County. The duties and authority of the Zoning Commissioner are set forth in Section 26-127 of the County Code. Therein, it is provided that the Zoning Commissioner may "Grant variances from area and height regulations, may interpret the zoning regulations and may make special exceptions . . .". (emphasis added). Further, in Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A2d 220 (1974), the Court of Appeals noted the distinction between area variances and use variances. Within that decision, the Court established a different standard in adjudging a use variance than is to be applied in considering an area variance. Clearly, based on this distinction established by the Court of Special Appeals and the clear language of the Charter, the Zoning Commissioner is restricted to considering area, height, parking and similar variances only. The variance requested in the instant case is more akin to a use variance and thus cannot be considered by this office. Thus, a Petition for Variance is the improper vehicle for considering this issue.

In the alternative, the Petitioner could submit a Petition for Special Hearing for an interpretation of the regulations as they apply to

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Date

By

3/29/93  
Mr. Goveh

MICROFILMED

this factual scenario, pursuant to Section 500.7 of the B.C.Z.R. Although the issue could be properly raised in that context, the relief could still not be granted. As noted above, the definitions of accessory structure and accessory building in Section 101 of the B.C.Z.R. are clear and unambiguous. An accessory structure/building must be located on the same property as the principal use or structure. As this is not the case here, the conclusion is escapable that the proposed utility shed cannot be constructed as an accessory structure.

A review of the prior cases as they relate to the Petitioners' business is also instructive. As noted above, the Petitioners' lot across the road from the subject property is presently in use as a commercial shell fishing operation pursuant to the relief granted in case No. 84-147-XSPHA. That case wound its way through public hearings by the Zoning Commissioner, the Board of Appeals, and was eventually before the Baltimore County Circuit Court on appeal. Within its Order, the Court remanded in part and affirmed in part the Board's decision. The Court did affirm that portion of the Board's opinion as it related to the two lots. Specifically, the Board noted that "Mr. Myrick purchased one property in 1971 and the second in 1978, from different owners, indicating that these have always been separate parcels. They are so designated for tax purposes. It is the Board's opinion that Mr. Myrick owns two parcels, one a shoreline parcel and one not a shoreline parcel." Clearly, the law of this case is, therefore, that these lots are separate parcels with no common history from a use standpoint. In terms of ownership, they were not acquired together by the Petitioners, but separately.

This finding is significant due to the Zoning Commissioner's findings in case No. 88-206-SPH. In that matter, Zoning Commissioner, J. Robert

ORDER RECEIVED FOR FILING

Date

3/29/93

By

*[Signature]*

Haines, approved an accessory structure on a separate lot from where the principal structure was located. The Petitioners therein owned 2 lots which were adjoined by a common side yard property line. One lot was improved with their dwelling and the other was vacant. Commissioner Haines granted a variance permitting the construction of a swimming pool on the vacant lot. His approval was based upon the fact that the lots had been considered a single entity for many years and were immediately adjacent to one another. The factors which Commissioner Haines relied upon in approving the relief requested in that case are not present here.

In conclusion, I am persuaded that the construction of the utility shed proposed would not be dangerous or detrimental to the surrounding community. Nonetheless, it cannot be legally permitted, at least under the scenario which the Petitioner submits. The proposed shed is clearly not an accessory structure and the Petitioners' properties are two separate and distinct lots. Although to grant the relief in this case would cause no detriment to the property and surrounding parcels, there is no legal basis to approve the variance. To fabricate such a legal basis would be to establish an improper precedent. I am unwilling to do so. Thus, for the reasons set forth above, the relief requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of March, 1993 that the Petition for a Zoning Variance from Sections 101 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure on a lot with no princi-

ORDER RECEIVED FOR FILING

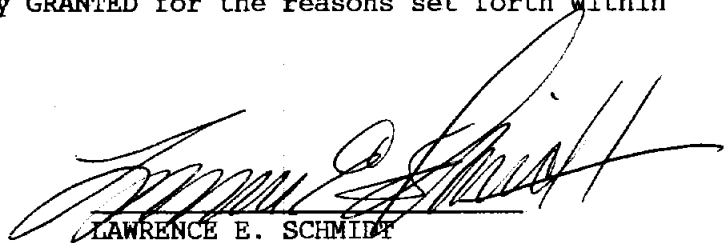
Date

By

nate to the lot on which they are located and contribute to the comfort and convenience of the use of that property. In this case, Mrs. Myrick indicated that the proposed shed would house lawn mowers and other equipment necessary to maintain the subject property. Thus, the necessary storage of ~~same~~ is accessory to the use of this property as open space. Therefore, the subject shed can be constructed as a permitted accessory structure to the use of this property as open space. The shed and lot cannot be used to support the commercial activity on the Myricks' lot across the street.

For the foregoing reasons, I shall grant the Motion for Reconsideration and approve the construction of the proposed shed on the site.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26<sup>th</sup> day of May, 1994 that the Motion for Reconsideration filed herein be and is hereby GRANTED for the reasons set forth within this Memorandum Opinion.

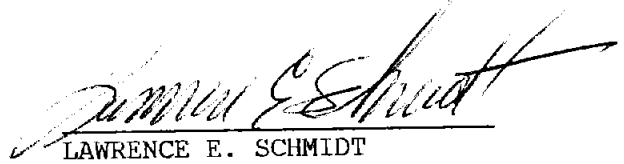
  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING  
Dat 5/26/94  
By M. Hovak



pal structure, in accordance with Petitioners' Exhibit No. 1., be and is hereby DENIED.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mm

ORDER RECEIVED FOR FILING

Date

3/29/93

By

M. Novak

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

March 29, 1993

Mr. and Mrs. James R. Myrick  
1326 Gooseneck Road  
Baltimore, Maryland 21220

RE: Case No. 93-221-A  
Petition for Variance  
1327 Gooseneck Road

Dear Mr. and Mrs. Myrick:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
att.

cc: Stephen K. Broyles P.E.  
1922 Middleborough Road, 21221

MICROFILMED



# Petition for Variance

93-221-A

## to the Zoning Commissioner of Baltimore County

for the property located at

1327 Gooseneck Road Balto. 21220

which is presently zoned

RC 5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 101, 400-1

To allow an accessory structure on a lot with no principal structure.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Hardship and practical difficulty arising poor soil conditions, proximity to Chesapeake Bay CBCA regulations. See attached statement of justification.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

N/A

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

N/A

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

James R. Myrick

(Type or Print Name)

Signature

Cecile Myrick

(Type or Print Name)

Signature

1326 Gooseneck Rd.

335-4284

Address

Phone No.

Baltimore, Maryland

21220

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Cecile Myrick

Name

1326 Gooseneck Rd.

21220

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

1-8-93



MICROFILMED

228

### Justification for Zoning Variance

Mr. Lawrence E. Schmidt  
Office of Zoning Administration  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: 1327 Gooseneck Road

We are hereby requesting relief from Section 1A04.2.A.11.G to allow an accessory Structure on a lot with no principal structure on the grounds that a practical difficulty and unreasonable hardship exist as follows:

1. Although I have room to construct a utility shed on my subject lot, Chesapeake Bay Critical Area Regulations (CBCA) will not allow over 25% impervious surface. I have 37% existing impervious surface and any expansion of same will not be allowed by Chesapeake Bay Critical Area Regulations. Strict compliance with Chesapeake Bay Critical Area Regulations results in practical difficulty.
2. We have purchased available adjacent property and no public sewer exists or is scheduled in the near future. No principal structure would be allowed due to failing percolation test conditions and high water tables. We have researched with the possibility of building a dwelling with The Department of Environmental Protection and Resource Management (DEPRM). Our lot is un-buildable for a dwelling which is required for residential accessory structure. This is a special condition particular to the land in the Chesapeake Bay Critical Area.
3. Strict compliance not allowing the accessory structure would deny us of all reasonable use and enjoyment of the property adjacent to our dwelling due to Chesapeake Bay Critical Area Regulations. Granting this variance will not confer any special privileges that many other properties enjoy in this area.
4. This request is within the spirit and intent of Baltimore County Zoning Regulations and Chesapeake Bay Critical Area Regulations.

Thank you for your consideration in this matter.

Very truly yours,

James R. Myrick

Cecile Myrick

NOTED



# BROYLES, HAYES AND ASSOCIATES, INC.

Engineers • Land Planners • Surveyors  
1922 MIDDLEBOROUGH ROAD • BALTIMORE, MD 21221  
PHONE (410) 574-2227 • FAX (410) 574-2284

228

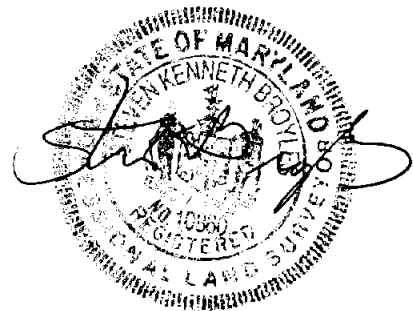
## DESCRIPTION FOR ZONING VARIANCE FOR 1327 GOOSENECK ROAD

BEGINNING for the same at a point on the south west side of Gooseneck Road right-of-way, 30 feet wide, at a distance of 626.89 feet north west, of the northwest corner of Goose Harbor Road and Gooseneck Road, Thence running and binding on the aforesaid Gooseneck Road right-of-way;

1. North 52° 21' 00" West 110.00 feet, thence leaving said road and running the three following courses and distances viz.,
2. South 37° 39' 00" West 400.0 feet,
3. South 52° 21' 00" East 110.00 feet,
4. North 52° 21' 00" East 400.0 feet, to the place of beginning containing 1.01 acres more or less.

BEING all of that parcel as recorded in the land records of Baltimore County in Liber 5917, folio 584.

This description was prepared for the purposes of a zoning variance this does not constitute a boundary survey and should not be used as such.





Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

93-221-A

Account: R-001-6150

Number

228

Date 1-8-93

Cecile V. Myrick  
Lot - 1327 Gooseneck Rd  
(21220)

Residential Variance filing fee \$50.00

CERTIFICATE OF POSTING

93-221-A

Certificate of Posting

93-221-A

Dist: 1327

Date: - 1/21/93

Posted For: Variance

Petitioner: James & Cecile Myrick

Location: SW/5 (1327) Gooseneck Rd, 62th 84' NW/ Goose Harbor Rd

Sign: Facing roadway on property of Petitioner

Matthew L. Shuler

Date of Ret'd 1/22/93



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

93-221-A

Account: R-001-6150

Number

Date

1708 1983

R9800013

PUBLIC HEARING FEES

QTY

PRICE

110 - ZONING VARIANCE (IRL)

1

\$50.00

TOTAL:

\$50.00

LAST NAME OF OWNER: MYRICK

Please Make Checks Payable To: Baltimore County

Cashier Validation

MICROFILMED

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

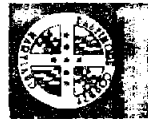
(410) 887-3353

DATE: 2-2-93

Cashier Validation

ck R

Date



Zoning Administration  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

93-221  
4/10 2/19/93

the above captioned

HEARING OR THE ORDER  
OF THE HEARING.

ing, 111 W.  
ack and make same  
proper credit and/or

Please Make Checks Payable To: Baltimore County

PAID

RECEIVED

\$70.00

Number

Account R-001-6150

Receipt





Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-221-A (Item 228)

SW/S Gooseneck Road, 626,89' NW of Goose Harbor Road

1327 Gooseneck Road

15th Election District - 5th Councilmanic

Petitioner(s): James R. Myrick and Cecile Myrick

HEARING: TUESDAY, FEBRUARY 9, 1993 at 11:30 a.m in Rm. 118, Old Courthouse.

Variance to allow an accessory structure on a lot wich no principal structure.

A handwritten signature in black ink, appearing to read "Arnold Jablon". The signature is fluid and cursive, with the first name "Arnold" and last name "Jablon" clearly distinguishable.

Arnold Jablon  
Director

cc: James and Cecile Myrick

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

APRIL 8, 1994

NOTICE OF REASSIGNMENT

MOTION FOR RECONSIDERATION

CASE NUMBER: 93-221-A (Item 228)

1327 Gooseneck Road

SW/S Gooseneck Road, 626.89' NW of Goose Harbor Road

15th Election District - 5th Councilmanic

Petitioner(s): James R. Myrick and Cecile Myrick

Variance to allow an accessory structure on a lot with no principal structure.

HEARING: WEDNESDAY, MAY 18, 1994 at 2:00 p.m., Rm. 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON  
DIRECTOR

cc: James and Cecile Myrick  
John B. Gontrum, Esq.



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

May 24, 1994

John B. Gontrum, Esquire  
814 Eastern Boulevard  
Baltimore, Maryland 21221

RE: Motion for Reconsideration  
Case No. 93-221-A  
Location: 1327 Gooseneck Road  
James R. Myrick, et ux, Petitioners

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above captioned cases. The Memorandum Opinion and Order has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
encl.

MICROFILMED

LAW FIRM

*Romadka, Gontrum & McLaughlin, P.A.*

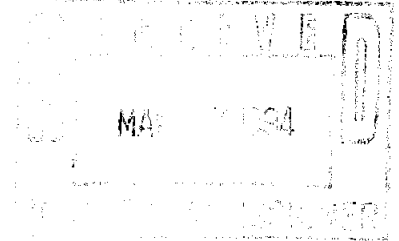
814 EASTERN BOULEVARD  
ESSEX, MARYLAND 21221  
TELEPHONE: (410) 686-8274  
FAX # 686-0118

ROBERT J. ROMADKA  
JOHN B. GONTRUM  
J. MICHAEL McLAUGHLIN, JR.\*

ELIZABETH A. VANNI

\*Also admitted in District of Columbia

May 13, 1994



Lawrence C. Schmidt  
Zoning Commissioner  
Baltimore County Government  
Office of Planning and Zoning  
Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

Re: Petition for Variance, James R. Myrick, et ux  
Case No.: 93-221-A  
RGM File No.: 94.3010

Dear Commissioner Schmidt:

Pursuant to your conversation with Belinda of my office, this will serve to confirm that you have agreed to change the time of the referenced matter from 2:00 to 3:00 on the same date.

Thank you for your kind consideration in this matter.

Very truly yours,

John B. Gontrum

JBG/bjb

cc: James R. Myrick  
Steven K. Broyles, P.A., P.L.S.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

July 7, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 93-221-A

JAMES R. MYRICK, ET UX -Petitioners  
SW/s Gooseneck Road, 626.89' NW of Goose  
Harbor Road (1326 Gooseneck Road)  
15th Election District  
5th Councilmanic District

VAR -To allow accessory structure on lot with  
no principal structure.

3/29/94 -Z.C.'s Order in which Petition for  
Variance was DENIED.

5/26/94 -Z.C.'s Memorandum Opinion and Order in  
which Motion for Reconsideration filed by  
Petitioner was GRANTED; and construction of  
proposed utility shed APPROVED.

ASSIGNED FOR: THURSDAY, AUGUST 18, 1994 at 10:00 a.m.

cc: John B. Gontrum, Esquire Counsel for Petitioners  
Mr. & Mrs. John R. Myrick Petitioners

People's Counsel for Baltimore County Appellant

Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathle n C. Weidenhammer  
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.



CASE NO. 93-221-A

James R. Myrick, et ux - Petitioners

SW/s Gooseneck Rd., 626.89 ft. NW of Goose  
Harbor Road (1327 Gooseneck Road)

15th District

Appealed: 6/13/94

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

January 26, 1993

Mr. and Mrs. James R. Myrick  
1326 Gooseneck Road  
Baltimore, MD 21220

RE: Case No. 93-221-A, Item No. 228  
Petitioner: James R. Myrick, et ux  
Petition for Variance

Dear Mr. and Mrs. Myrick:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

**MICROFILMED**



Zoning Plans Advisory Committee Comments

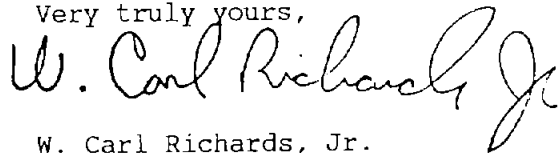
Date: January 26, 1993

Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr." The signature is written in dark ink and is positioned above the typed name.

W. Carl Richards, Jr.  
Zoning Coordinator

WCR:hek

Enclosures



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this  
8th day of January 1993.

A handwritten signature in cursive script, reading "Arnold Jablon", written over a horizontal line.

ARNOLD JABLON  
DIRECTOR

Received By:

A handwritten signature in cursive script, reading "W. Carl Richards Jr.", written over a horizontal line.

Chairman,  
Zoning Plans Advisory Committee

Petitioner: James R. Myrick, et ux  
Petitioner's Attorney:





**Maryland Department of Transportation  
State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

1-13-93

**Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204**

**Re: Baltimore County  
Item No.: # 228 (JJS)**

**Dear Ms. Winiarski:**

***This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.***

***Please contact Bob Small at 410-333-1350 if you have any questions.***

***Thank you for the opportunity to review this item.***

**Very truly yours,**

*for* **Bob Small**  
**John Contestabile, Chief  
Engineering Access Permits  
Division**

**My telephone number is 410-333-1350**

**Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717**

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

JANUARY 13, 1993

(410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JAMES R. MYRICK AND CECILE MYRICK

Location: #1327 GOOSENECK ROAD

Item No.: 228 (JJS) Zoning Agenda: JANUARY 19, 1993

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Jerry Quifer  
Planning Group  
Special Inspection Division

JP/KEK



1/19/93

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

DATE: January 26, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: 1327 Gooseneck Road

INFORMATION:

Item Number: 228

Petitioner: James R. Myrick

Property Size: 1.01 acres

Zoning: RC 5

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting a variance to allow an accessory structure on a lot with no principle structure.

The Office of Planning and Zoning recommends that the shed should not be used for the storage of materials related to commercial crabbing or fishing operations.

Prepared by: Francis M. Mawey

Division Chief: Gary Keller

PK/FM:rdn

01/27/93

Date 2/1/93

Project Name	Waiver Number	Zoning Issue	Meeting Date	
Zigmas J. And Ona E. Bucevicius	224		1-19-93	NC
DED DEPRM RP STP TE				
Ronald D. And Norma J. Jewell	225			NC
DED DEPRM RP STP TE				
Steven P. and Deborah J. Benson	226			NC
DED DEPRM RP STP TE				
Deereco Limited Partnership	227			NC
DED DEPRM RP STP TE				
James R. and Cecile Myrick	228			NC
DED DEPRM RP STP TE				/
Goucher Woods Development, Inc.	229			NC
DED DEPRM RP STP TE				
Connelly Funeral Home	230			comment
DED DEPRM RP STP TE				
Orville M. Jones	231			NC
DED DEPRM RP STP TE				
Louis A. Slavotinek	232			NC
DED DEPRM RP STP TE				
Jack J. Basel	234			NC
DED DEPRM RP STP TE				
COUNT 10				
G & R No. 3, Inc.	233		1-25-93	
DED DEPRM RP STP TE				
Congregation Darchei Tzedek, Inc.	235			comment
DED DEPRM RP STP TE				

3/29/93

IN RE: PETITION FOR ZONING VARIANCE  
SW/S Gooseneck Rd., 626.89 ft.  
NW of Goose Harbor Road  
1327 Gooseneck Road  
15th Election District  
5th Councilmanic District

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 93-221-A

James R. Myrick, et ux  
Petitioners

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for that property known as 1327 Gooseneck Road in the Bowleys Quarters section of Baltimore County. The Petitioners/property owners herein request a variance from Sections 101 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure on a lot with no principal structure. The relief requested is more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

The Petitioner/property owner, Cecile Myrick, appeared and testified. Also appearing in support of the Petition was Stephen K. Broyles, a professional engineer who prepared the site plan. There were no Protestants present.

The facts presented in support of the Petition are simple and not in dispute. The Petitioners own the subject property, known as 1327 Gooseneck Road. This unimproved lot is 1.01 acres in area and is a rectangularly shaped property. It is situated across Gooseneck Road from another parcel owned by the Petitioners, known as lot No. 247. Lot No. 247 is improved by a structure and a garage, and is the site of the Petitioners'

ORDER RECEIVED FOR FILING

Date

By

3/29/93  
Mr. G. H. H. H.

RECEIVED

93-221-A  
2/9  
DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature \_\_\_\_\_

01/27/93

Date 2/1/93

Project Name  
File Number Waiver Number Zoning Issue Meeting Date

Zigmas J. And Ona E. Bucevicius  
224 N/C 1-19-93  
DED DEPRM RP STP TE  
=====

Ronald D. And Norma J. Jewell  
225 N/C  
DED DEPRM RP STP TE  
=====

Steven P. and Deborah J. Benson  
226 N/C  
DED DEPRM RP STP TE  
=====

Deereco Limited Partnership  
W/C  
DED DEPRM RP STP TE  
=====

James R. and Cecile Myrick  
227 N/C  
DED DEPRM RP STP TE  
=====

Goucher Woods Development, Inc.  
229 W/C  
DED DEPRM RP STP TE  
=====

Connelly Funeral Home  
230 W/C  
DED DEPRM RP STP TE  
=====

Orville M. Jones  
231 W/C  
DED DEPRM RP STP TE  
=====

Louis A. Slavotinek  
232 W/C  
DED DEPRM RP STP TE  
=====

Jack J. Basel  
234 N/C  
DED DEPRM RP STP TE  
=====

COUNT 10

G & R No. 3, Inc.  
233 N/C 1-25-93  
DED DEPRM RP STP TE  
=====

Congregation Darchei Tzedek, Inc.  
235 W/C  
DED DEPRM RP STP TE

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

June 20, 1994

Mr. & Mrs. James R. Myrick  
1326 Gooseneck Road  
Baltimore, MD 21220

RE: Petition for Variance  
SW/S Gooseneck Road, 626.89 ft.  
NW of Goose Neck Road  
1326 Gooseneck Road  
15th Election District  
5th Councilmanic District  
James R. Myrick, et ux-Petitioner  
Case No. 93-221-A

Dear Mr. & Mrs. Myrick:

Please be advised that an appeal of the above-referenced case was filed in this office on June 13, 1994 by Peter Max Zimmerman and Carole S. Demilio of the People's Counsel. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a light background.

ARNOLD JABLON  
Director

AJ:jaw

c: People's Counsel  
John B. Gontrom, Esquire

**MICROFILMED**





APPEAL

Petition for Variance  
SW/S Gooseneck Road, 626.89 ft. NW of Goose Harbor Road  
(1327 Gooseneck Road)  
15th Election District - 5th Councilmanic District  
James R. Myrick, et ux-PETITIONER  
Case No. 93-221-A

Petition(s) for Variance

Description of Property

Certificate of Posting

Certificate of Publication

Zoning Plans Advisory Committee Comments

Petitioner(s) and ~~Protestant(s)~~ Sign-In Sheets

Petitioner's Exhibits: 1 - Plat to Accompany Petition for Zoning  
Variance

~~Eight~~  
~~Ten~~ miscellaneous letters.

Copy of District Court Order dated March 21, 1986.

Memorandum of Petitioners

Zoning Commissioner's Order dated March 29, 1993 (Denied)

Zoning Commissioner's Memorandum Opinion and Order dated May 26, 1994  
(Granted)

Notice of Appeal received on June 13, 1994 from Peter Max Zimmerman  
and Carole S. Demilio of the People's Counsel

c: Mr. & Mrs. James R. Myrick, 1326 Gooseneck Road, Baltimore, MD  
21220  
John Gontrum, Esquire, 814 Eastern Boulevard, Baltimore, MD 21221  
People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: Patrick Keller, Director, Planning & Zoning  
Lawrence E. Schmidt, Zoning Commissioner  
W. Carl Richards, Jr., Zoning Manager  
Docket Clerk  
Arnold Jablon, Director of ZADM



COUNTY COUNCIL OF BALTIMORE COUNTY

Court House, Towson, Maryland 21204

VINCE GARDINA  
COUNCILMAN, FIFTH DISTRICT

COUNCIL OFFICE: 887-3196  
ESSEX DISTRICT OFFICE: 887-0470  
435c EASTERN BLVD  
ESSEX, MD 21221

March 14, 1994

Mr. Lawrence E. Schmidt  
Zoning Commissioner  
Suite 113, Old Courthouse  
Towson, MD 21204

Dear Larry:

I have been contacted by Mr. and Mrs. James R. Myrick regarding Case No. 93-221-A, Petition for Variance, 1327 Gooseneck Road. Given the unique circumstances of the case and the additional restrictions on the property because of environmental regulations I am requesting that you reexamine the request for the variance. As you may remember, there has been no community opposition to this petition.

I await your reply. Thank you for your attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vince", is written over a faint, larger cursive signature that appears to read "Gardina".

Vince Gardina, Councilman  
5th District

VG:me

cc: Mr. and Mrs. James Myrick



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

April 5, 1994

(410) 887-4386

John B. Gontrum, Esquire  
Romadka, Gontrum and McLaughlin, P.A.  
814 Eastern Boulevard  
Baltimore, Maryland 21221

RE: Petition for Variance, James R. Myrick, et ux  
Case No. 93-221-A

Dear Mr. Gontrum:

This is to acknowledge receipt of your letter dated March 18, 1994 regarding the above matter.

You are, indeed, correct that this matter is pending on your Motion for Reconsideration. As you may recall, I issued an opinion and Order on this case dated March 15, 1993 denying the Petition for Variance. As I pointed out in that Order, there was no evidence that the proposed construction of a utility shed on the subject property would be dangerous or detrimental to the surrounding community. However, as my Order went on to state, I did not feel that I could approve the variance in that there was no legal justification for same. That is, although the Petitioners desired end result was not objectionable, I could find no legal basis as a means to justify that end. I question whether my office has the authority to do equity in this case and bend the regulations to such an extent to approve your clients' plans. Moreover, when we had last discussed this matter, I thought we had agreed that you would submit a Memorandum setting forth your theory upon which relief could be granted. I held this file in anticipation of receiving something from you. Maybe I misunderstood our conversation.

In any event, I concur with your assessment that the case should be set in for rehearing. I do not think that additional advertising or posting of the property is necessary. However, a hearing will give you an opportunity to make whatever oral argument you believe is appropriate to justify your clients' request. Again, I see no detrimental affect in granting the permission you seek, but I believe that some rational basis must exist within the regulations to empower me to approve this request.

I shall forward this file to Gwen Stephens at ZADM for the assignment of a hearing date and you can expect to be apprised of such a date shortly.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn

cc: Vince Gardina, Councilman, 5th District

cc: James and Cecile Myrick

cc: *File*





**Baltimore County, Maryland**

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse  
400 Washington Ave.  
Towson, MD 21204

(410) 887-2188

6/14/94 3013-74  
Q  
to SW  
Ellen J. Jones

PETER MAX ZIMMERMAN  
People's Counsel

CAROLE S. DEMILIO  
Deputy People's Counsel

June 10, 1994

Arnold Jablon, Director  
Zoning Administration and Development  
Management Office  
111 W. Chesapeake Avenue  
Towson, MD 21204

Re: PETITION FOR ZONING VARIANCE  
1327 Gooseneck Road  
SW/S Gooseneck Road, 626.89 ft.  
NW of Goose Harbor Road, 15th  
Election Dist., 5th Councilmanic  
JAMES R. MYRICK et ux, Petitioners  
Case No. 93-221-A

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the order dated May 26, 1994 of the Baltimore County Zoning Commissioner in the above-entitled case.

In this connection, please forward to this office copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman  
People's Counsel for Baltimore County

Carole S. Demilio  
Deputy People's Counsel

PMZ/caf

cc: John Gontrum, Esquire  
James R. and Cecile Myrick

RECEIVED

JUN 13 1994

MICROFILMED

ZADM

Petition for Variance  
SW/S Gooseneck Road, 626.89 ft. NW of Goose Harbor Road  
(1327 Gooseneck Road)  
15th Election District - 5th Councilmanic District  
James R. Myrick, et ux-PETITIONER  
Case No. 93-221-A

RECEIVED  
COUNTY CLERK OF BALTIMORE

94 JUN 20 PM 3:12

- ✓ Petition(s) for Variance
- ✓ Description of Property
- ✓ Certificate of Posting
- ✓ Certificate of Publication
- ✓ Zoning Plans Advisory Committee Comments
- ✓ Petitioner(s) ~~and Protestant(s)~~ Sign-In Sheets
- ✓ Petitioner's Exhibits: 1 - Plat to Accompany Petition for Zoning  
Variance
- ✓ 8 (JULIE CONFIRMED 6-21-94)  
~~For~~ miscellaneous letters.
- ✓ Copy of District Court Order dated March 21, 1986.
- ✓ Memorandum of Petitioners
- ✓ Zoning Commissioner's Order dated March 29, 1993 (Denied)
- ✓ Zoning Commissioner's Memorandum Opinion and Order dated May 26, 1994  
(Granted)
- ✓ Notice of Appeal received on June 13, 1994 from Peter Max Zimmerman  
and Carole S. Demilio of the People's Counsel

c: Mr. & Mrs. James R. Myrick, 1326 Gooseneck Road, Baltimore, MD  
21220  
John Gontrum, Esquire, 814 Eastern Boulevard, Baltimore, MD 21221  
\* People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

✓ E

Request Notification: Patrick Keller, Director, Planning & Zoning  
Lawrence E. Schmidt, Zoning Commissioner  
W. Carl Richards, Jr., Zoning Manager  
Docket Clerk  
Arnold Jablon, Director of ZADM

**ROMADKA, GONTRUM & McLAUGHLIN, P.A.**

814 Eastern Boulevard  
Baltimore, Maryland 21221

TELEPHONE: (410)686-8274

FAX# 686-0118

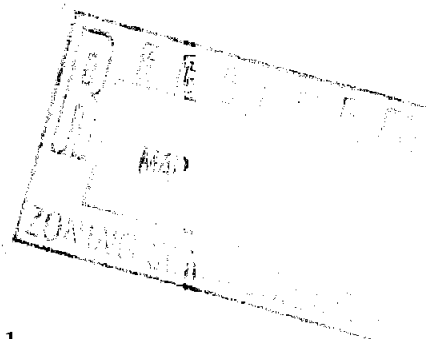
ROBERT J. ROMADKA  
JOHN B. GONTRUM  
J. MICHAEL McLAUGHLIN, JR.\*

March 18, 1994

ELIZABETH A. VANNI

\*ALSO ADMITTED IN D.C.

Lawrence E. Schmidt,  
Zoning Commissioner  
Zoning Commissioner's Office  
Courthouse, Suite 113  
400 Washington Ave.  
Towson, MD 21204



Re: Case No.: 93-221-A  
Petition for Variance - Myrick

Dear Commissioner Schmidt:

A review of my records indicates that the Myrick case is still pending before you. You may recall that last summer I wrote to you with respect to the Myrick matter based on my familiarity with the file. Cecile Myrick has asked me to correspond with you again to find out the status of this matter. Since this case has been pending for so long, it might be useful to schedule the matter for argument to further discuss the legal issues. I recognize that the legal issues in this matter are somewhat complex, but I also recognize that there is little factual dispute, and that the neighbors are not in opposition to this particular request. Perhaps, this might be a way of resolving the issue once and for all.

Please let me know if you care to schedule this matter for further hearing and consideration.

Very truly yours,

John B. Gontrum

JBG/bjb  
cc: Cecile Myrick

**ROMADKA, GONTRUM & McLAUGHLIN, P.A.**

814 Eastern Boulevard  
Baltimore, Maryland 21221

TELEPHONE: (410)686-8274

FAX# 686-0118

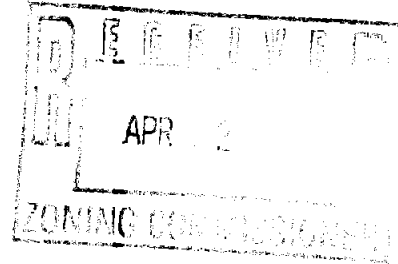
ROBERT J. ROMADKA  
JOHN B. GONTRUM  
J. MICHAEL McLAUGHLIN, JR. \*

April 8, 1994

ELIZABETH A. VANNI

\*ALSO ADMITTED IN D.C.

Lawrence E. Schmidt  
Zoning Commissioner  
Baltimore County Government  
Office of Planning and Zoning  
Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204



Re: Petition for Variance, James R. Myrick, et ux  
Case No.: 93-221-A  
RGM File No.:

Dear Mr. Schmidt:

I am in receipt of your letter dated April 5, 1994 concerning the referenced matter. I am enclosing a copy of the Memorandum which I prepared and I thought I had forwarded to you sometime ago. Please review and I will await receipt of the hearing date.

Thank you for your prompt attention and cooperation in this matter.

Very truly yours,

John B. Gontrum

JBG/bjb  
Enclosure

cc: Cecile Myrick

**ROMADKA, GONTRUM & McLAUGHLIN, P.A.**

*814 Eastern Boulevard  
Baltimore, Maryland 21221*

TELEPHONE: (410)686-8274

FAX# 686-0118

ROBERT J. ROMADKA  
JOHN B. GONTRUM  
J. MICHAEL McLAUGHLIN, JR.\*

April 21, 1993

\_\_\_\_\_  
DONALD H. SHEFFY  
ELIZABETH A. VANNI

\*ALSO ADMITTED IN D.C.

April 21, 1993

Lawrence E. Schmidt  
Zoning Commissioner  
Office of Planning and Zoning  
Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

RE: Case No. 93-221-A  
Petition for Variance

Dear Commissioner Schmidt:

Mrs. Myrick has brought to me your opinion of March 29, 1993 with respect to the above referenced case. I had represented Mr. & Mrs. Myrick with respect to zoning issues pertaining to a commercial fishing, crabbing, and shellfish operation on their property at Gooseneck Road. That case dates back over ten years. One of the issues in that case involved our intent to have the lot across from the residence of Mr. & Mrs. Myrick granted a special exception for commercial fishing and shellfishing operation so that we could store crab pots on it and remove them from the waterfront. I am enclosing a site plan with the latest revision of November, 1987 indicating a usage of the property across the street as an alternative location and storage area for crab pots. You will note that the properties do match up separated by Gooseneck Road a thirty foot wide right of way. In his Order of January 16, 1984, Arnold Jablon, then the Zoning Commissioner denied all the relief requested by the Myricks' in case 84-147-XSPHA. In denying the relief request by the Myricks' he specifically did not discuss the issue of contiguity between Lot 247 on the waterfront and the other parcel owned by the